

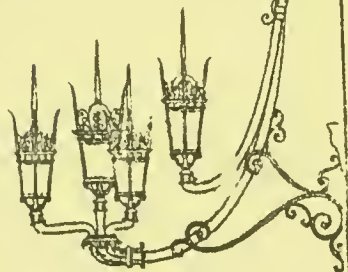
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500 Boylston Street Project

MEPA Final Environmental Impact Report

EOEA #5217

February 1985

Submitted to

Executive Office of Environmental Affairs

Project Proponent

A Joint Venture of
New England Mutual Life Insurance Company
Gerald D. Hines Interests, Inc.

Prepared by

Skidmore, Owings & Merrill
Metcalf & Eddy, Inc.

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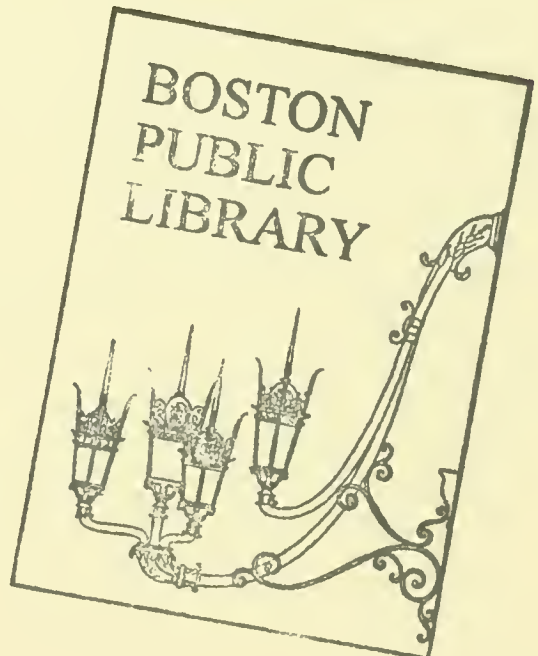
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Contents

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I Summary	I-1
500 Boylston Street Project	I-1
Development Alternatives	I-1
Alternative 1: No-Build	I-1
Alternative 2: 500 Boylston Street Project	I-2
Proponent	I-3
EIR Status	I-3
Summary of Environmental Issues	I-3
Sewer System	I-3
 II Project and Area Description	 II-1
Project Description	II-1
Project Benefits	II-3
Area Description	II-4
Back Bay	II-4
South End	II-6
Park Square	II-7
Future Development in the Area	II-8
Permits	II-8
 III Description of Alternatives	 III-1
Alternative 1: No-Build	III-1
Alternative 2: 500 Boylston Street Project	III-2
 IV Environmental Issues	 IV-1
Introduction	IV-1
SEWER SYSTEM	IV-2
Introduction	IV-2
Preferred Alternatives	IV-2
Dry and Wet Weather Overflows - Berkeley	
Street Sewer Build Alternative	IV-2
Existing Facilities	IV-4
Dry Weather Overflows	IV-8
Wet Weather Overflows	IV-11
Summary	IV-13
Potential Construction Impacts	IV-13
Exfiltration	IV-13
Ground Movement	IV-16
Mitigation Measures	IV-16

V Comments and Responses	V-1
Introduction	V-1
Letter 1, Certificate of the Secretary of Environmental Affairs on the Draft Environmental Impact Report	V-2
Response to Letter 1	V-4
Letter 2, Metropolitan Area Planning Council	V-7
Response to Letter 2	V-9
Letter 3, Boston Redevelopment Authority	V-12
Response to Letter 3	V-13
Letter 4, Mason & Martin	V-15
Response to Letter 4	V-18
Letter 5, The Neighborhood Association of the Back Bay	V-19
Response to Letter 5	V-21
Letter 6, Air Pollution Control Commission	V-22
Response to Letter 6	V-32
 VI Measures to Mitigate Adverse Effects	 VI-1
Sewer System	VI-1

Appendices

- Appendix 1: Environmental Notification
 Form
- Appendix 2: EOECA Certificate on the ENF

List of Figures

<u>Figure</u>	<u>Title</u>	<u>Page</u>
II-1	Locus Map: 500 Boylston Street, Boston, MA	II-2
II-2	Surrounding Areas	II-5
III-1	Revised Ground Floor Plan 1/85	III-3
IV-1	Existing Local Collection System	IV-3
IV-2	Locations of Overflows	IV-5
IV-3	Schematic of Sewers Tributary to the MDC Charles River Estuary Pollution Control Facility	IV-7
IV-4	West Side Interceptor at Peak Dry Weather Flow - Build Alternative	IV-10
IV-5	Groundwater Observation Well Location Plan	IV-15

I Summary

500 BOYLSTON STREET PROJECT (EOEA #5217)

This Final Environmental Impact Report (EIR) provides supplemental information to the Draft EIR (October 1984), which presented an assessment of sewer system impacts of a no-build alternative and a mixed-use development alternative for 500 Boylston Street, in the City of Boston and Suffolk County. Located in the Back Bay, the 3.15-acre project site is bounded by St. James Avenue and Clarendon, Boylston, and Berkeley Streets, with a portion of Providence Street traversing the site between Berkeley and Clarendon Streets. The northern portion of the site, bordered by Providence, Clarendon, Boylston, and Berkeley Streets, is occupied by office and retail buildings owned by the New England Mutual Life Insurance Company. The southern portion of the block, bounded by St. James Avenue and Clarendon, Providence, and Berkeley Streets, contains the City-owned, St. James Avenue Garage.

As in the Draft EIR, Chapters I, II, and III of this Final EIR introduce the project alternatives, summarize issues related to the sewer system in the project vicinity, and provide project and area descriptions. Chapter IV presents an addendum report to the Draft EIR sewer study. Chapter V reproduces the Certificate of the Secretary of Environmental Affairs on the Draft EIR and letters from interested parties that were submitted to the Secretary during the public review period. Responses to the sewer-related comments follow each letter in Chapter V. Chapter VI updates the summary of mitigation measures for sewer system impacts presented in the Draft. Two appendices complete this Final EIR: the first appendix reprints the Environmental Notification Form (ENF) for the 500 Boylston Street Project, and the second appendix presents the Certificate of the Secretary of Environmental Affairs on the ENF and reviewers' letters.

DEVELOPMENT ALTERNATIVES

Alternative 1: No-Build

This alternative assumes the continuation of existing structures and uses. The seven structures fronting on Boylston Street represent a variety of architectural styles and are between three and seven stories high. Typically, retail uses occupy the ground floors, with offices located on the upper levels. Under the No-Build Alternative, it is likely that a mix of retail and office uses will continue. Existing sewer conditions

also will continue, affected by ongoing improvements in the local collection system.

The St. James Avenue Garage, on the southern portion of the site, provides 625 public parking spaces. A site inspection by structural engineers indicates the garage, built in 1953, is in need of rehabilitation. The continuation of public parking at this above-ground garage is assumed under the No-Build Alternative, with the likelihood of some interruption of service for repairs.

Alternative 2: 500 Boylston Street Project

With the proposed project alternative, the St. James Avenue Garage, that segment of Providence Street that runs through the site, and underground portions of adjacent streets would be conveyed by the City of Boston to a joint venture of New England Mutual Life Insurance Company and Gerald D. Hines Interests, Inc. The proponent proposes a full-block integrated redevelopment plan for the site. The BRA selected this plan subsequent to solicitation for development proposals for the garage site. The proposed development will enable the corporate expansion of New England Life to occur across the street from its present headquarters at 501 Boylston Street. The 500 Boylston Street Project will establish an active mixed-use development consisting of offices, retail stores, restaurants, other commercial uses, pedestrian plazas and walkways, and a below-grade parking garage. Sewage generated by the project would drain to existing facilities in St. James Avenue, and stormwater would drain to the Boylston Street and St. James Avenue storm drains.

The mixed-use project is the preferred alternative and is consistent with standards proposed by the Back Bay Federation for Community Development (a standing organization representing neighborhood and business associations) and guidelines established by the BRA for the development of the St. James Avenue Garage parcel. At the inception of the design review process, the BRA formed the St. James Avenue Civic Advisory Committee (CAC) to represent Back Bay and South End community interests. Recommendations of this citizens' group have been adopted by the BRA and the proponent to further enhance the project's responsiveness to the surrounding communities. The CAC will continue to be involved in an advisory capacity throughout the project's construction phase.

PROPONENT

A joint venture of New England Mutual Life Insurance Company and Gerald D. Hines Interests, Inc. (Hereafter referred to as the proponent.)

EIR STATUS

Final.

SUMMARY OF ENVIRONMENTAL
ISSUES

The environmental effects of project implementation and the No-Build Alternative on the sewer system are briefly described below. Chapter IV of the Draft EIR and Chapters IV and V of this Final EIR should be referred to for a more detailed discussion of sewer system issues.

Sewer System

Computer modelling was used to analyze the hydraulics of local sewers that could potentially serve the site for the Build Alternative. Possible effects on major interceptors and other facilities transporting wastewater to treatment/disposal facilities were also evaluated using existing data. Limited field inspection was used to corroborate existing data on project area sewers.

The proposed development is expected to generate sanitary sewage at the rate of approximately 99,500 gallons per day (gpd), an increase of approximately 74,000 gpd over existing conditions. Sanitary sewage will be discharged to the St. James Avenue sanitary sewer. The incremental sewage flow generated by this project will have virtually no hydraulic effect on the St. James Avenue sewer as compared with existing conditions.

Storm drainage from the project will be discharged to the Boylston Street and St. James Avenue storm drains. Comparing the No-Build and Build Alternatives, no change will occur in the volume and discharge rate of stormwater from the site because with both alternatives the majority of the site is entirely covered by impervious surfaces.

Down gradient interceptor sewers and treatment facilities experience periodic wet weather overflows. The proposed project will have a negligible effect on these conditions. Existing problems are being addressed by plans for facilities cleaning and upgrading by the Boston Water and Sewer Commission (BWSC) and the Metropolitan District Commission (MDC).

For construction, a detailed plan has been developed to prevent and mitigate potentially adverse effects of the below-grade excavation on the sewer system in the project vicinity. Specified soil support systems and maintenance of groundwater levels at or above preconstruction elevations should minimize ground settlement and potential damage to the surrounding sewers. These preventive measures will be complemented by ongoing monitoring to detect ground movements, as well as groundwater drawdown, and a predetermined mitigation program for prompt response to any potential problems. If damage to the sewer system should result from construction of the proposed project, the proponent will take responsibility for repairs.

II Project and Area Description

PROJECT DESCRIPTION

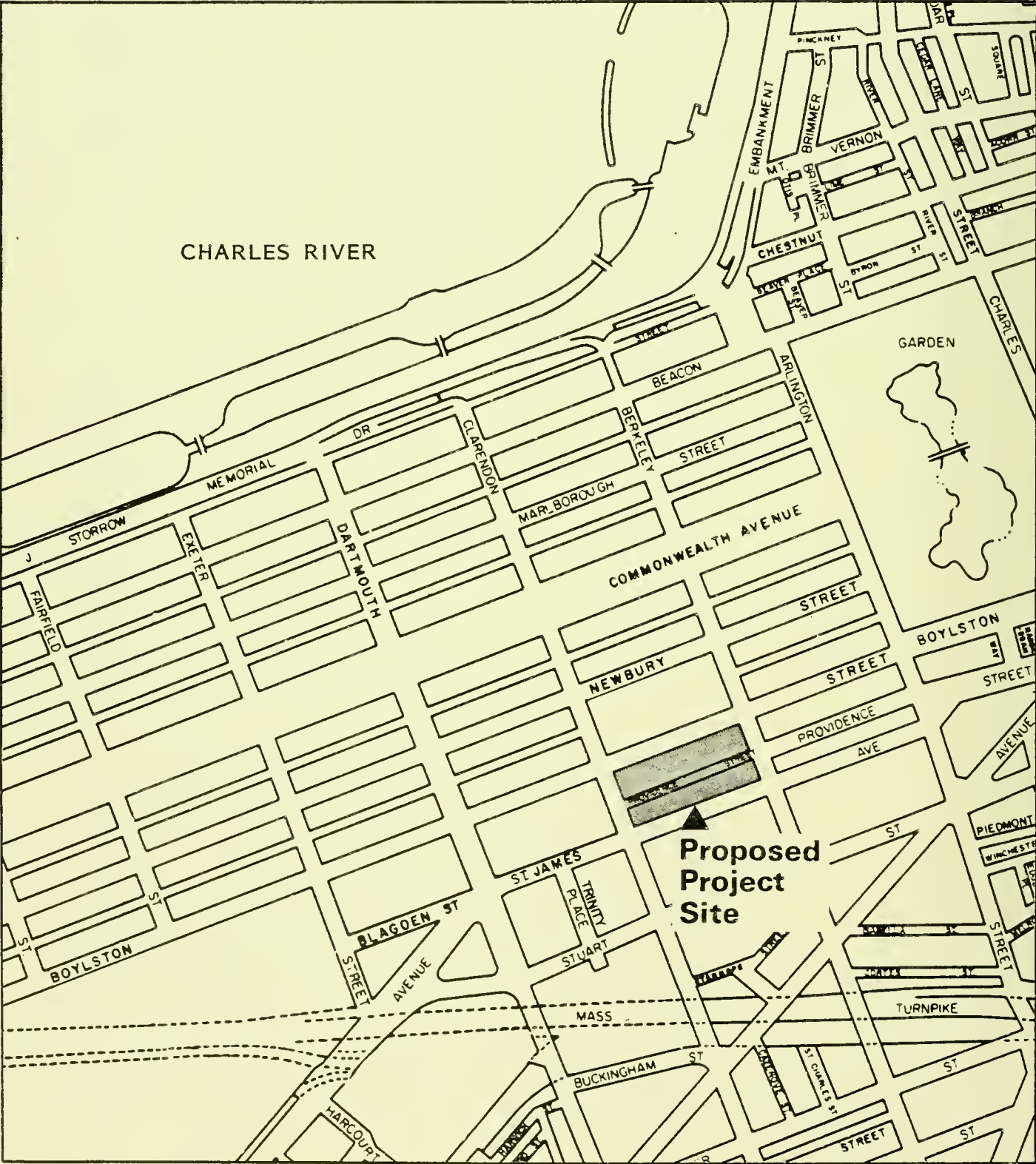
The 3.15-acre project site is composed of public and private parcels that comprise the block bounded by St. James Avenue and Clarendon, Boylston, and Berkeley Streets. The public property consisting of the St. James Avenue Garage parcel and the portion of Providence Street running through the site make up a total area of 69,191± square feet on the southern side of the site. To the north, the land and buildings fronting Boylston Street are owned by the New England Mutual Life Insurance Company. Figure II-1 identifies the location of the project site.

The block constituting the site was created as part of the original Back Bay landfill and grid development of the mid-nineteenth century. Boylston Street, which bounds the block on the northern side, was one of the principle roadways in the rectangular grid of longitudinal blocks. Historically, the street has been characterized by buildings containing specialty retail shops on the ground floors with residential, hotel, or office space on the upper levels. The seven buildings fronting Boylston Street on the site today house retail and office uses. The only structure occupying the public parcels on the south side of the site is the St. James Avenue Garage, which is owned and operated as a public parking facility by the City of Boston. In November 1982, the BRA advertised the sale of the 56,541± square foot garage parcel for development, with an opportunity to include the 12,650± square foot portion of Providence Street that traverses the site.

The proposed city action consists of disposition of the publicly owned parcels to the proponent, thereby allowing the implementation of a full-block integrated plan for an active, 1.3 million square foot mixed-use development. Pedestrian plazas and walkways will be integrated with a 6-story base structure fronting Boylston Street and providing approximately 100,000 square feet of retail and commercial space in the lower stories and offices in the upper floors. Most of the 1.2 million square feet of office space will be accommodated at the southern end of the project site in two towers rising 19 stories from the 6-story base, resulting in a maximum project height of 25 stories. Sidewalks will be widened on Clarendon Street, St. James Avenue, and a portion of Berkeley Street, with perimeter landscaping provided on all four sides of the site. An underground

FIGURE II-1

Locus Map
500 Boylston Street
Boston, Massachusetts



II-2 Description

parking garage, with access and egress on St. James Avenue and Berkeley and Clarendon Streets, will replace the 625 public spaces currently provided by the St. James Avenue Garage. An additional 375 spaces will be designated for use by the tenants of the project. The massing, detailing, and materials of the proposed project are designed to relate to historic Back Bay building elements and the area's pedestrian orientation and scale.

The action discussed in this Final EIR pertains to the sewer connection permit that will be sought for the proposed project. As described in Chapter IV of the Draft EIR and Chapters IV and V of this Final EIR, sanitary and storm sewers in the project area are adequate to accommodate project-related flows.

Construction is scheduled to begin by the end of the second quarter of 1985, with initial occupancy starting in the first quarter of 1987. The entire project, including all site improvements, is scheduled for completion by the third quarter of 1989. Total development costs are estimated at \$288 million.

Project Benefits

The proposed mixed-use project will provide significant financial and economic benefits to the City while remaining consistent with overall development guidelines established by the BRA to assure sensitivity to the area's historic building patterns.

The redevelopment of the St. James Avenue Garage parcel will be an asset to the Back Bay community, upgrading an area presently occupied by a deteriorating, above-ground parking garage and linking it more directly with the active, pedestrian-oriented Boylston Street frontage. Within the block, the sidewalk around the site's perimeter and the project's two courtyards will furnish approximately 55,000 square feet of pedestrian open space.

To complement the upgraded pedestrian open space on the project site, the proponent has agreed to contribute a significant portion of the funds needed to undertake the redevelopment of the adjacent Copley Square plaza.

The full-block plan will produce significant revenues for the City from the sale of the public parcels (approximately \$7.5 million) and from additional new taxes. In addition, the proponent will make payments totalling approximately \$6 million for low to moderate income housing in accordance with the City's policy on linkage between downtown development and neighborhood housing.

The provision in the project of 350,000 square feet of expansion space for New England Life's headquarters will assure the retention of the company's operations, including 1400 permanent jobs, within the City of Boston. With the development of the mixed-use project, more than 3,000 construction-related jobs and over 4,000 new permanent jobs will be generated.

AREA DESCRIPTION

The 500 Boylston Street site is situated in an area of the Back Bay that is characterized by a mix of historic and contemporary buildings with predominantly office and retail uses. During daytime working hours, there is active pedestrian circulation throughout the area. Districts neighboring the project site include the residential South End community to the south, and Park Square, which features office, retail, and hotel facilities, to the southeast. The plans for the proposed 500 Boylston Street Project have been influenced by the character of the surrounding areas, which are described below and identified in Figure II-2. A complete description of sewer facilities in the project area was provided in Chapter IV of the Draft EIR and is elaborated upon further in Chapters IV and V of this Final EIR.

Back Bay

One of the nation's largest land reclamation projects, the Back Bay is located on land filled in the mid-1800s. The Commonwealth Avenue Mall forms the central axis through the Back Bay with Beacon, Marlborough, Newbury, and Boylston Streets serving as the parallel east-west roads. Innovative zoning and building restrictions created a special identity for Back Bay development by establishing a characteristic form and scale while permitting a variety of architectural styles.



Originally the Back Bay was predominately a private residential area. In the last quarter of the nineteenth century, however, storefronts and office buildings began to replace residences on Boylston and Newbury Streets, with a trend toward larger-scale commercial buildings particularly in the area south of Boylston Street to the Massachusetts Turnpike. In the 1960s, the Committee on Civic Design of the Boston Society of Architects (BSA) proposed the "high spine" concept in their report "The Architects' Plan for Boston." This concept was developed to acknowledge the importance of the City's skyline and "to avoid a meaningless mixture of high buildings in areas such as the Back Bay." In 1970, the BRA recognized the "high spine," which by that time was anchored at the western end of the City by the Prudential Center and the John Hancock Berkeley Building and at the eastern end by the high rises of downtown Boston.

The northern half of the project site, between Boylston and Providence Streets, falls within the Back Bay Historic District as identified on the National and State Registers of Historic Places. Many individual properties within this district have federal, state, or local historic designations, though none are located on the project site. The block west of the site is Copley Square, occupied by Trinity Church and Copley Plaza, while the block to the east across Berkeley Street includes the Berkeley Building and other commercial and retail buildings. On the northern side of Boylston Street, the block is dominated by New England Life's headquarters, with the southeast corner occupied by the original Museum of Natural Science, presently occupied by the Bonwit Teller Company after whom the building is commonly known. To the south, across St. James Avenue between Berkeley and Clarendon Streets, stand the John Hancock Berkeley and Clarendon Buildings.

South End

South of the Massachusetts Turnpike is the South End neighborhood, approximately four blocks from the project site. Planned and developed in the mid-1800s, in part on filled land, this residential area is characterized by brick row houses differing only slightly in detailing and height. Small, family-run storefronts

are interspersed throughout the residential streets. During the 1960s, deteriorating areas were rehabilitated through the Urban Renewal Program.

The National and State Registers identify a 238-acre portion of the South End as a historic district. Recently, this district also received designation as a Local Landmark by the Boston Landmark Commission. Comprising over one third of the South End, this area is described in the National Register as "the largest remaining Victorian urban residential neighborhood in the United States."

Park Square

After the filling operations of the mid-1800s, the new Back Bay became an immediate neighbor of Park Square. The project site is located approximately two blocks from Park Square. Originally private residences dominated this area. In 1835, the addition of a railroad depot stimulated further development in the western portion of Park Square. In the late 1800s, commercial structures began to replace the residential neighborhood. With the relocation of the railroad lines to Boston's South Station in 1900, the square's western area began to be redefined as an important business district featuring the Statler Hotel and numerous insurance company buildings.

Areas of architectural interest are primarily on the periphery of the square. Piano Row, designated as historically significant at the federal, state, and local levels, extends from Park Square to Avery Street along Boylston and Tremont Streets. These nineteenth-century row houses originally contained the showrooms of Boston's important piano companies and music publishing industries, and today are occupied by office and retail users. Recent projects--such as the State Transportation Building, the Four Seasons Hotel and Condominiums, the planned redevelopment of the Arlington Street/Hadassah Way parcel, and the rehabilitation of some commercial buildings--have helped to offset the deterioration suffered by Park Square proper over the years.

Future Development in the Area

The analysis year for the 500 Boylston Street Project Final EIR is 1989, the time at which the project will be substantially completed and occupied. For the purpose of environmental analyses, certain assumptions have been made as to changes in the surrounding area that would affect the base case for 1989.

The assumed 1989 development setting includes the completion of the following:

- o Back Bay Station
- o John Hancock Clarendon Building renovation
- o 399 Boylston Street
- o State Transportation Building
- o Arlington Street/Hadassah Way parcel redevelopment
- o Four Seasons Hotel and Condominiums
- o One Exeter Place
- o Copley Place
- o Copley Square reconstruction
- o Hynes Auditorium expansion.

Environmental issues pertaining to the sewer system for the project area are discussed in Chapter IV of the Draft EIR and Chapters IV and V of this Final EIR.

PERMITS

In conjunction with the preparation of this Final EIR, the proponent will expect to comply with the following State agency review, permit, and approval processes for the project:

- o Massachusetts Department of Environmental Quality Engineering, Sewer Connection and Extension Permit (MGL Ch. 21, S. 43); Fossil Fuel Utilization Permit (MGL Ch. 111, S. 142 A-E); New Sources of Air Contaminants Review.
- o Massachusetts Executive Office of Environmental Affairs, MEPA Certification (MGL Ch. 30, S. 61, 62-62H).
- o Massachusetts Historical Commission, Determination of Effect to Historic Properties.
- o Metropolitan District Commission or successor agency or authority, Industrial User Discharge Permit (MGL Ch. 92, S. 1-8A).

In addition, municipal operating permits, including zoning approval, will be secured for this project effort.

III Description of Alternatives

Program uses and general design objectives for 500 Boylston Street evolved over two years of planning by the BRA, the St. James Avenue CAC, and the proponent. In 1982, specific program and design guidelines were prepared by the BRA on behalf of the City as a Request for Proposals for redevelopment of the St. James Avenue Garage site. The BRA selected the proposal submitted by the joint venture of New England Mutual Life Insurance Company and Gerald D. Hines Interests, Inc.

The Environmental Notification Form (ENF) for this project was filed with the Executive Office of Environmental Affairs (EOEA) on May 31, 1984 (see Appendix 1). The Certificate of the Secretary of Environmental Affairs on the ENF, July 6, 1984, required a State EIR focusing on potential sewerage impacts of the proposed project (see Appendix 2). The two alternatives and the environmental issues concerning the potential impacts of the proposed project upon the surrounding sewer system were analyzed in the Draft EIR and are discussed further in this Final EIR. In addition, the proponent has submitted a broadly scoped Draft EIR (October 1984) and a subsequent Final EIR (February 1985), consistent with MGL Ch. 30, S. 62-62H, to the BRA as required in the Authority's Terms and Conditions for Developer Designation of December 8, 1983.

The BRA and CAC are continuing to work with the proponent to review program and design refinements that meet shared goals while being sensitive to the project's proposed schedule. The program and design assumptions used in this Final EIR are based on the most current project information.

ALTERNATIVE 1: NO-BUILD

The No-Build Alternative assumes the continuation of the present uses of the project site, with no major reconstruction of the garage or significant improvement to the existing structures and streetscape. New England Mutual Life Insurance Company owns all the buildings that front on Boylston Street on the block. Each of these buildings supports mixed office and retail uses, excepting Louis and Eddie Bauer which are sole tenants in their respective buildings. The IBM Corporation moved out of its location at 520 Boylston Street in December 1984, and the building is now vacant. Retail uses and lobby entrances typically occupy the ground-level story of these structures, with office space

occupying the upper floors. It is likely that these types of uses will continue under this alternative. Operation of sewer facilities in the project area will remain much the same as existing conditions, except that planned facilities improvements will be implemented by the BWSC and the MDC.

While the buildings fronting on Boylston Street represent a variety of architectural styles, they are of similar scale and massing, with uniform setbacks and relatively flat facades. The Colton Building, constructed in 1882, was gutted by fire and substantially renovated in the early 1900s.

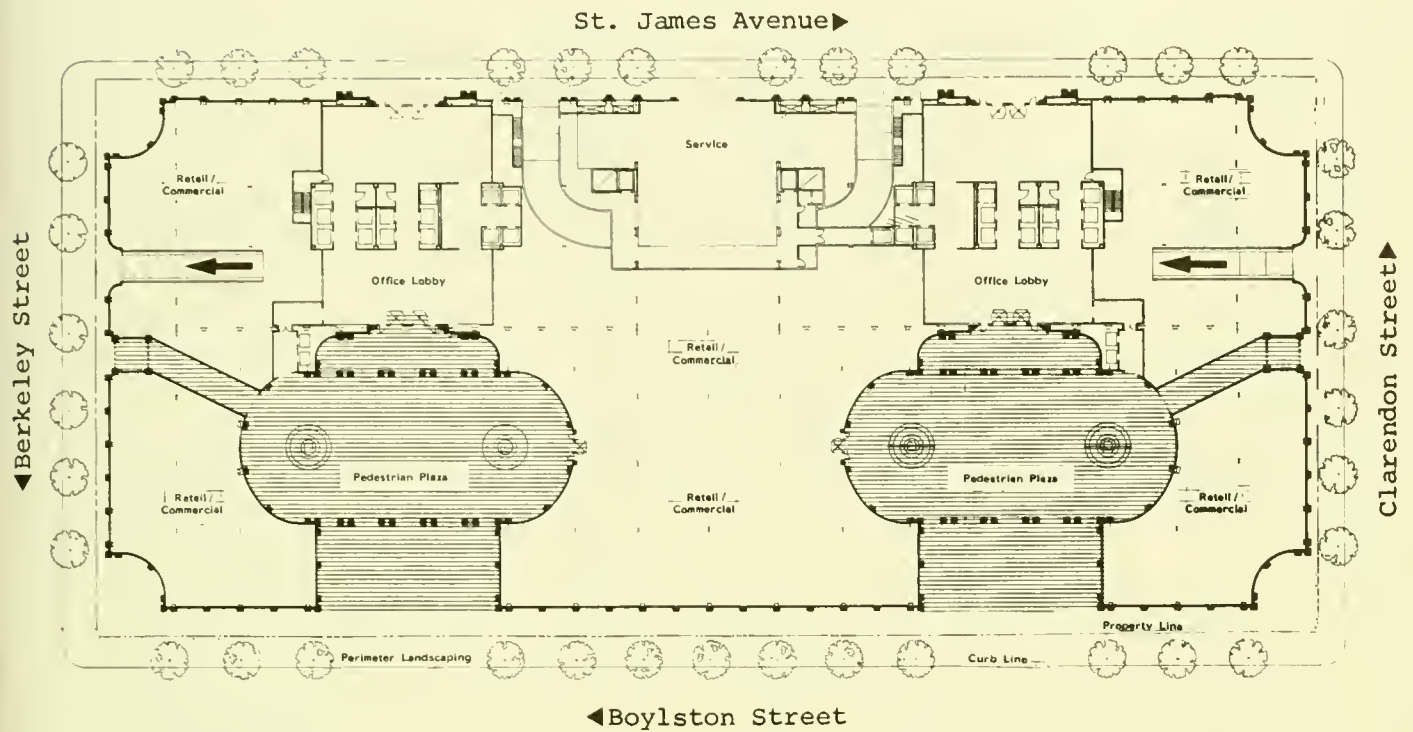
The St. James Avenue Garage, owned and operated by the City of Boston, provides 625 public parking spaces. While the City has stated in their Development and Design Guidelines for the St. James Avenue Garage Parcel that "the City intends to sell this parcel," it is assumed under the No-Build Alternative that the garage would continue to provide public parking.

The costs of this option include the loss of revenues to the City, which more intensive site use would generate, and the opportunity for visual enhancement of the St. James Avenue Garage parcel. The garage itself is badly in need of repair. An evaluation by consulting engineers to the proponent indicates the garage would have to be closed to undertake the necessary rehabilitation, which would result in a temporary loss of both the parking spaces and fees.

ALTERNATIVE 2: 500
BOYLSTON STREET PROJECT

The project proposed by the proponent will establish an active, mixed-use development consisting of offices, retail stores, restaurants, other commercial uses, pedestrian plazas and walkways, and a below-grade parking garage (see Figure III-1). Located in Boston's Back Bay, the 3.15-acre parcel on which the proposed project will be sited is bordered by St. James Avenue and Clarendon, Boylston, and Berkeley Streets. The project will utilize sewer facilities in the area for the discharge of sanitary sewage and stormwater generated on the project site.

The 1.2 million square feet of office space will be primarily located in two towers, rising 19 stories above a 6-story base structure, resulting in a maxi-



A New England Life/ Gerald Hines Project
 John Burgee Architects with Philip Johnson

mum project height of 25 stories. The towers will be situated on the southern portion of the site along St. James Avenue. Office uses will also be located in the upper floors of the six-story base. Approximately 100,000 square feet of retail/commercial space will be contained in the first two levels of the six-story base structure. Approximately 1,000 on-site parking spaces will be provided below grade, of which 625 spaces will be designated for public use. Service and parking entrance and egress to the site will be from St. James Avenue and Berkeley and Clarendon Streets.

Pedestrian open areas will include the sidewalks around the site and two plazas with entrances on Boylston Street. Since submission of the MEPA Draft EIR the plans for the sidewalk along Berkeley Street have been widened by 4 feet to a width of 19-1/2 feet. These plazas will be lined with active retail uses and will provide open entries to the office tower lobbies.

The approximate distribution of square feet by use is as follows:

o Office	1,200,000 SF
o Retail/Commercial	100,000 SF
o Pedestrian Open Space	55,000 SF

The other major site use is the 1,000 space below-grade parking garage.

IV Environmental Issues

INTRODUCTION

The environmental assessment presented in the MEPA Draft EIR (October 1984) addressed potential sewerage impacts, as required in the Secretary of Environmental Affairs' Certificate on the ENF for the 500 Boylston Street Project (see Appendix 2). Following the public review period, the Secretary issued a certificate approving the Draft EIR (see Letter 1, Chapter V) with a request that the Final EIR include further information on certain aspects of the sewer impact study. An addendum report on the sewer system in the project vicinity is presented in this Chapter. Chapter V reproduces the letters of comment on the Draft EIR received from the Executive Office of Environmental Affairs and provides responses to each sewer-related comment. Where appropriate, responses in Chapter V cite the additional information presented in this Chapter.

Sewer System

INTRODUCTION

The addendum report presented on the following pages focuses on two major issues raised in the comments on the Draft EIR received from the Secretary of Environmental Affairs (see Chapter V). These two issues are dry and wet weather overflows and potential construction impacts.

PREFERRED ALTERNATIVES

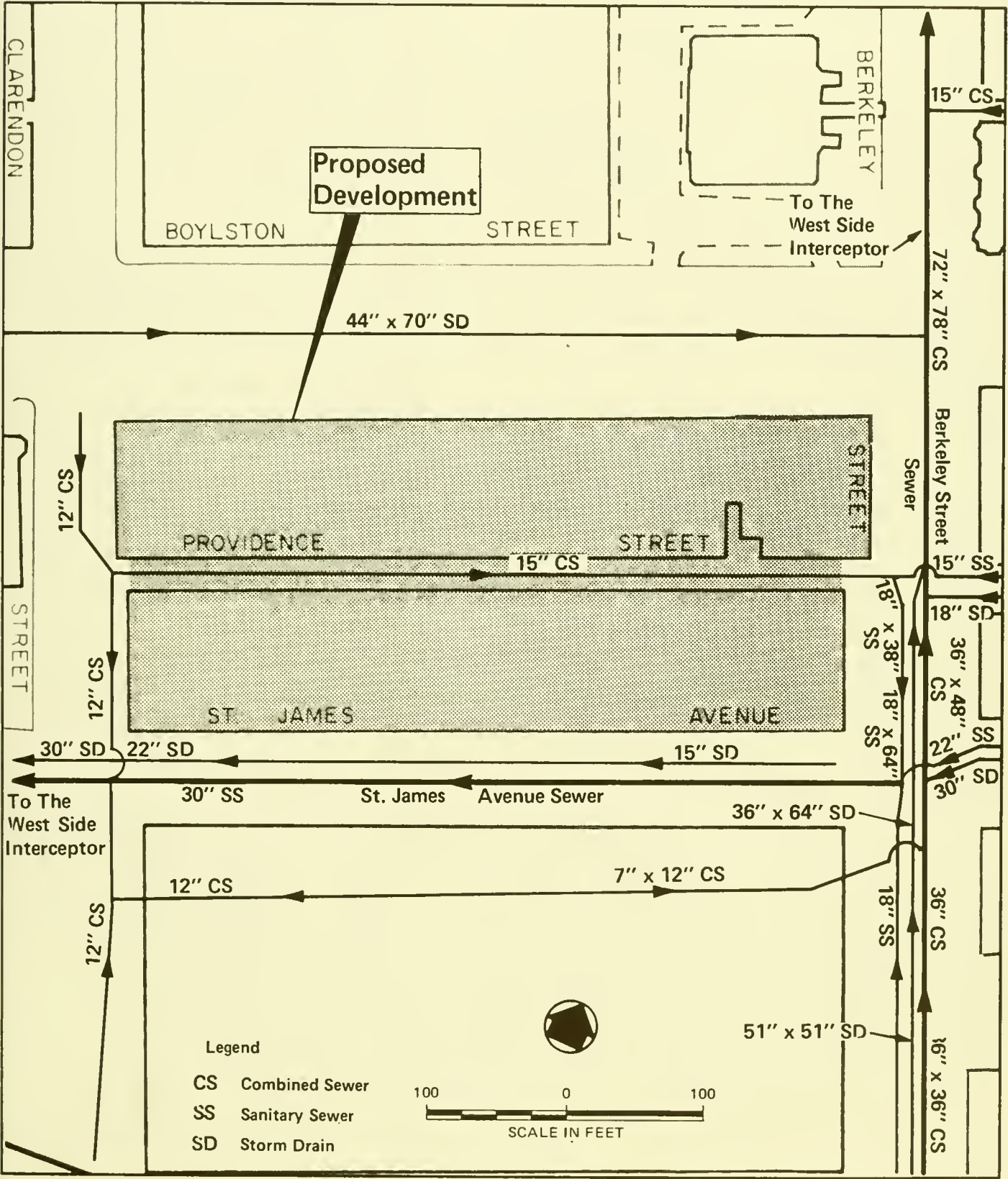
The location of the proposed project and the local sewers which surround the project site are shown in Figure IV-1. The site would be served by multiple sanitary and stormwater building connections to the surrounding sewers and drains. The total sanitary flow projected to be discharged from the site is 0.099 million gallons per day (mgd). The net increase in sanitary flow from the proposed project is approximately 0.074 mgd. All of the sanitary flow is proposed to discharge to the sanitary sewer in St. James Avenue. The maximum stormwater runoff rate from the proposed site during a five-year frequency storm is estimated at 2.0 mgd. It is currently proposed that approximately 60 percent of the stormwater runoff would discharge to the storm drain in Boylston Street, which is tributary to the combined sewer in Berkeley Street. Approximately 40 percent of the stormwater runoff would discharge to the storm drain in St. James Avenue.

DRY AND WET WEATHER OVERFLOWS - BERKELEY STREET SEWER BUILD ALTERNATIVE

The first issue assessed further for this Final EIR was dry and wet weather overflows. Two sewers which could transport the sanitary flow from the proposed project site were identified in the MEPA Draft EIR: (1) the St. James Avenue Sewer and (2) the Berkeley Street Sewer. Both of these sewers are tributary to the West Side Interceptor. It was concluded in the Draft EIR that discharging all of the sanitary flow from the 500 Boylston Street Project to either the St. James Sewer Avenue or Berkeley Street Sewer would have no impact on dry or wet weather overflows. However, the Secretary of EOEI in the certificate on the Draft EIR (see Letter 1, Chapter V, of this Final EIR) requested further clarification of the potential for dry and wet weather overflows if all of the sanitary flow from the proposed project was discharged to the Berkeley Street Sewer.

Figure IV-1

Existing Local Collection System



Existing Facilities

The network of sewers which transports flow from the Berkeley Street Sewer is complicated and deserves a detailed explanation. A description of the West Side Interceptor, the MDC Boston Marginal Conduit, and the MDC Charles River Estuary Chlorination Facility and their interrelated functions follows.

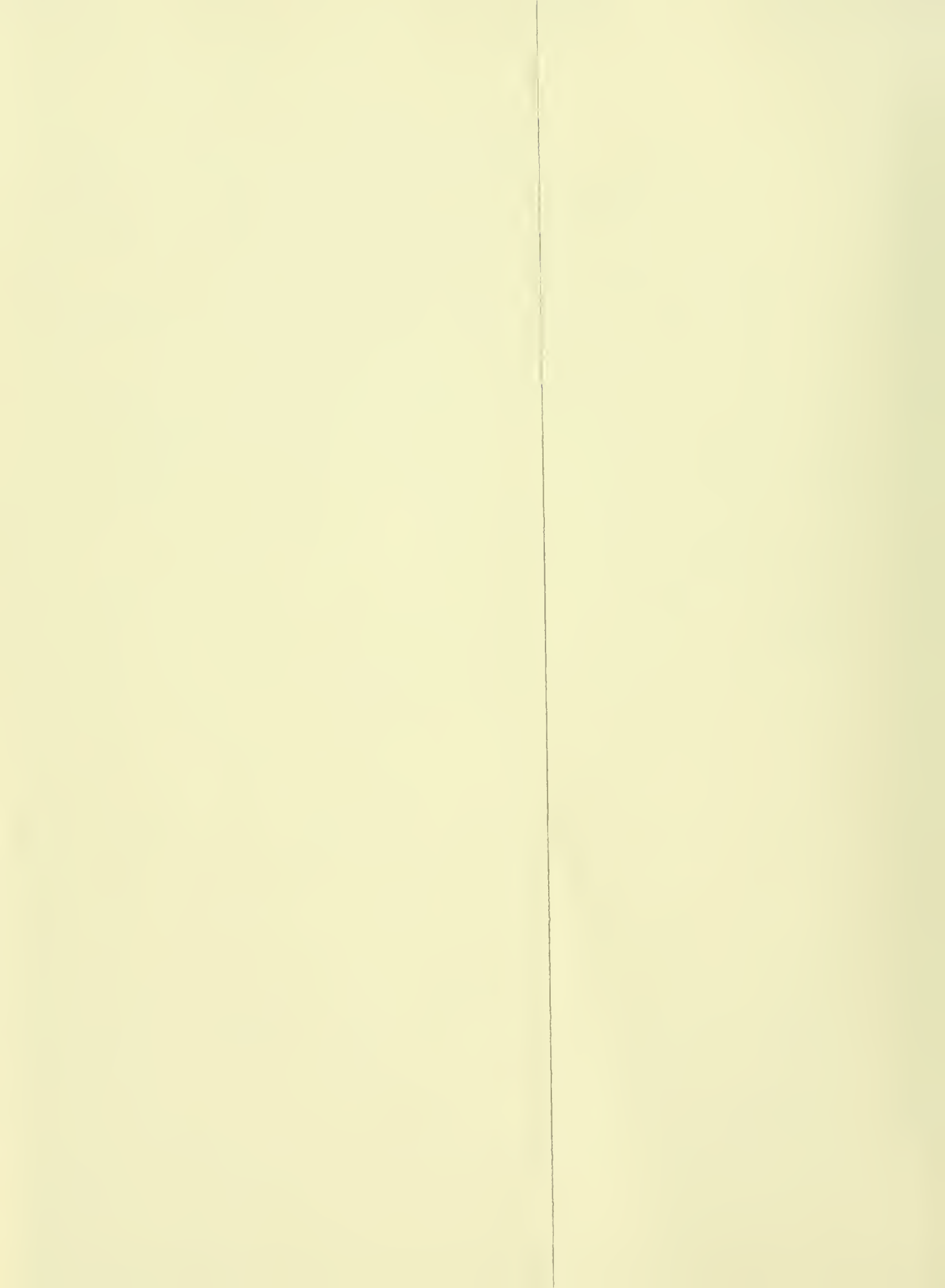
The West Side Interceptor was constructed in about 1878 to intercept and divert combined wastewater from overflowing into the Charles River tidal estuary. Flows were then transported to the Boston Main Drainage System, which today ultimately discharges to the MDC Deer Island Treatment Plant. Overflows from the West Side Interceptor to the Charles River were constructed to provide relief to the system when the amount of stormwater exceeded the capacity of the interceptor.

In the early 1900's, the Old Charles River Dam, located near the Museum of Science, and the Charles River Basin were proposed to eliminate the tidal influence in the Charles River. It was realized that the proposed basin elevation of +8.0 Boston City Base (BCB) would impose a constant surcharge on the West Side Interceptor, which was constructed at a lower elevation, and that this condition could cause local flooding during wet weather. It was also recognized that, if combined wastewater was permitted to periodically enter the basin, objectionable conditions would result. Therefore, in 1910, the MDC Boston Marginal Conduit was completed as a part of the proposed development of the dam and basin to prevent these conditions.

The MDC Boston Marginal Conduit was designed to intercept wet weather combined flows from the West Side Interceptor and receive low, dry weather sanitary flows from the Stony Brook system. Combined sewer overflows in the Marginal Conduit were then transported for discharge directly into the tidal estuary downstream of the newly constructed dam. Overflows were constructed from the Marginal Conduit to the Charles River Basin to provide relief of the conduit when the amount of stormwater exceeded the capacity of the conduit. The location of the overflows on the West Side Interceptor and the Marginal Conduit are shown in Figure IV-2.

Locations of Overflows





The Boston Marginal Conduit was constructed at a level gradient at elevation -1.5 BCB. Its capacity, therefore, varies based on the hydraulics occurring within the system. However, in a previous engineering report,^{1/} it was determined that the conduit could transport about 125 mgd before overflows would actually begin. The MDC Boston Marginal Conduit can overflow into the Charles River Basin at five locations. At each of these five locations, a weir at elevation +8.5 BCB exists at the point of discharge. These weirs prevent water from the Charles River Basin from entering into the conduit, because they are 0.5 feet higher than the normal basin elevation of +8.0, while allowing relief of the conduit during major rain events.

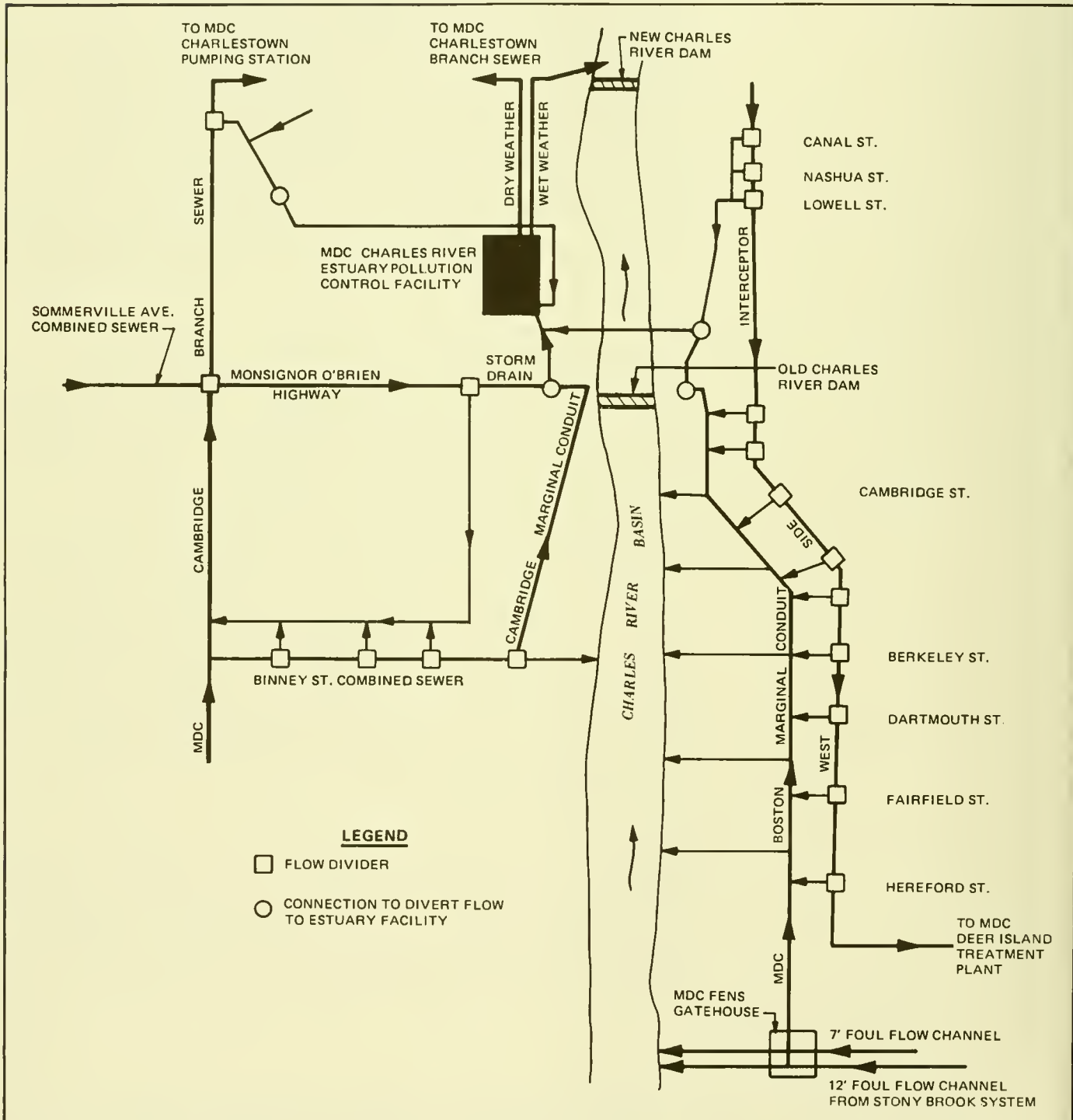
In 1980, the MDC Charles River Estuary Chlorination Facility was constructed, in conjunction with sewer interceptor work, to intercept flows discharging into the Charles River Basin and below the Old Charles River Dam. The objective of this facility was to improve the water quality in the basin and the tidal estuary below the dam. The facility was designed to reduce the frequency and quantity of untreated combined sewage overflowing into the Charles River Basin and Estuary by allowing only storms in excess of five-year frequency to overflow. Overflows from six combined sewer overflow outlets, including the MDC Boston Marginal Conduit outlet, are now collected and conveyed to the MDC Charles River Estuary Chlorination Facility. A schematic of the sewers tributary to the chlorination facility is shown in Figure IV-3. It is estimated that the MDC Boston Marginal Conduit contributes approximately 30 percent of the total flow tributary to the facility during a five-year frequency storm event.

The MDC Charles River Estuary Chlorination Facility provides a two-phased operation: in one phase it acts as dry weather flow pumping station and in the other as a storm flow pumping station. The dry weather flow phase is a five mgd capacity sewage pumping station which discharges to the MDC Charlestown Branch Sewer. The storm phase, which includes screens, control gates,

^{1/} Engineering Report on the Charles River Estuary Pollution Control Facility. MDC, 1972.

FIGURE IV-3

Schematic of Sewers Tributary to the MDC Charles River Estuary Pollution Control Facility



detention tanks, and chlorination is a large pumping station with a maximum capacity of 385 mgd. The combined storm flow after screening is chlorinated prior to being discharged downstream of the New Charles River Dam.

The design criteria used in the engineering report on the MDC Charles River Estuary Pollution Control Facility^{1/} states that its function is to limit untreated combined sewage from overflowing into the Charles River Basin up to a five-year frequency storm. However, when the design flow is exceeded, the operation of the facility is such that influent gates will partially close so the incoming flow will be limited to the maximum capacity of the facility. This operation would throttle flow and cause backups and overflows in the system upstream of the facility, which includes the MDC Boston Marginal Conduit. Excess flow in the Marginal Conduit would overflow to the Charles River Basin. An operator at the estuary facility stated that, since it became operational in 1981, the maximum pumping capacity of the facility has never been exceeded. The maximum rate of flow that has been pumped at the facility is less than 200 mgd.^{2/}

Dry Weather Overflows

The West Side Interceptor transports dry weather flow and a portion of the wet weather flow to the MDC Ward Street Headworks where it is conveyed to the MDC Deer Island Treatment Plant. Excess wet weather flow from the West Side Interceptor overflows to the MDC Boston Marginal Conduit.

The West Side Interceptor occasionally overflows during dry weather due to an excessive amount of deposition in the interceptor. Deposition in the interceptor varies between 2 and 42 inches. The heaviest areas of deposition are in the upper reaches of the interceptor along Causeway Street and downstream of the St. James Avenue Sewer. The Boston Water and Sewer Commission is making plans to clean the interceptor. The cleaning is anticipated to be completed by late 1985 or early 1986,

1/ Engineering Report on the Charles River Estuary Pollution Control Facility. MDC, 1972.

2/ Telephone conversation with MDC Charles River Estuary Pollution Control Facility operator. January 23, 1985.

which should be before the completion of the 500 Boylston Street Project in 1987.

To determine the impact of the proposed project on dry weather overflows discharging from the West Side Interceptor, an analysis using the Metcalf & Eddy Plant Hydraulics Profile (PHP) computer model was done for the No-Build and Build Alternatives at peak dry weather flow (PDWF). The computer model assumes no deposition exists in the sewer. The analyses indicate that the depth of flow in the interceptor near the Berkeley Street Sewer connection for the No-Build Alternative is 3.41 feet. For the Build Alternative, the depth of flow at the same location is 3.42 feet. The increase in the flow depth is about 0.01 feet. Thus, the Build Alternative, with all of the sanitary flow discharging to the Berkeley Street Sewer, causes minimal change, if any, in the hydraulic gradeline (level of flow) in the West Side Interceptor.

Figure IV-4 presents the hydraulic profile of the West Side Interceptor with 100 percent of the sanitary flow from the 500 Boylston Street project discharging to the Berkeley Street Sewer. The overflows from the West Side Interceptor to the MDC Boston Marginal Conduit between the St. James Avenue Sewer connection and the Berkeley Street Sewer connection are shown in Figure IV-4. The elevation of the overflows is also given. As indicated on the figure, the hydraulic gradeline is well below the overflow elevations when the interceptor is free of deposition. Thus, when the interceptor is clean, dry weather overflows should not be occurring with either the No-Build or Build Alternative. It can be concluded therefore that the additional flow from the proposed project would not have any impact on dry weather overflows.

Finally, it should be reiterated that dry weather overflows from the West Side Interceptor occurring between the St. James Sewer connection and the Berkeley Sewer connection do not discharge directly to the Charles River Basin. Dry weather overflows discharge to the MDC Boston Marginal Conduit which conveys the flow to the MDC Charles River Estuary Chlorination Facility. From the estuary facility, the flows are pumped to an MDC sewer in Charlestown for conveyance to the MDC Deer Island Treatment Plant.

FIGURE IV-4

West Side Interceptor at Peak Dry Weather Flow -
Build Alternative

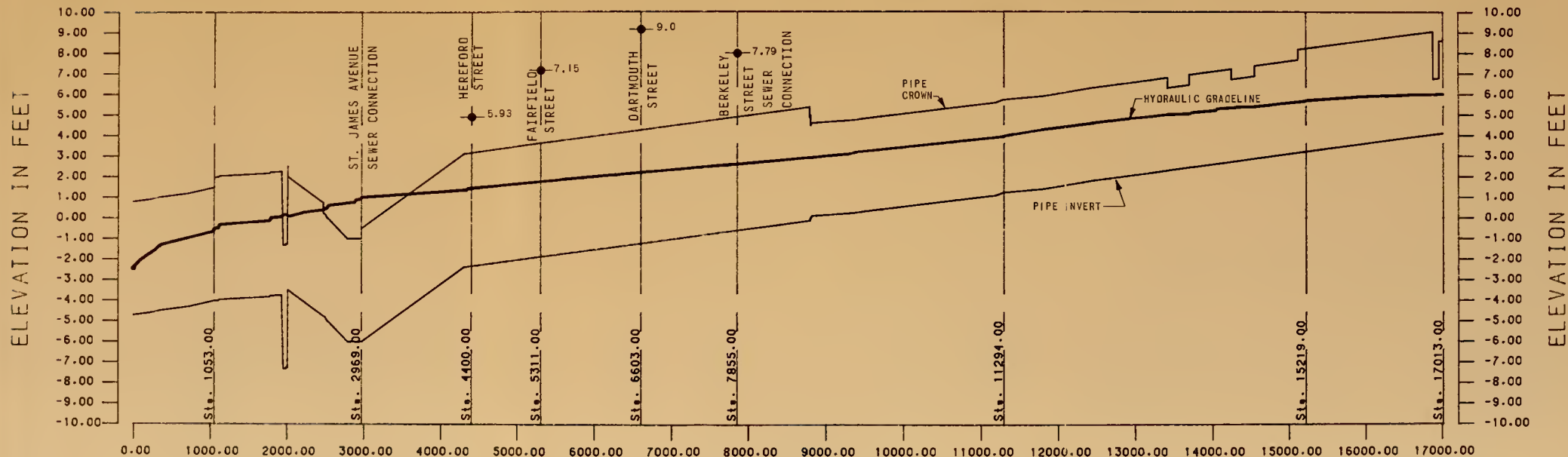


FIGURE IV-4 WEST SIDE INT. AT PDWF-BUILD ALTERN.

(FROM M&E PHP PROGRAM)

SCALE: HOR. 1" = 800.0'
VERT. 1" = 3.0'

LEGEND

7.15 ●

LOCATION OF OVERFLOW AND
OVERFLOW ELEVATION

Wet Weather Overflows

The stormwater runoff that will be generated from the proposed site will be approximately equivalent to the stormwater currently generated at the site. In either case, the block is fully developed as a downtown urban area. The peak rate of stormwater runoff estimated from the proposed site for a five-year frequency storm is approximately 2.0 mgd.

It is difficult to confirm the location of the existing storm drainage connections from the site. Available information indicates that the runoff from the site is divided approximately evenly between the storm drain in St. James Avenue and the storm drain in Boylston Street. Current plans for the proposed project indicate that approximately 40 percent of the runoff would discharge to the storm drain in St. James Avenue and approximately 60 percent of the runoff would discharge to the storm drain in Boylston Street. This predicted division of stormwater runoff with the project constitutes an insignificant change to the existing situation.

As stated previously, excess flows from the West Side Interceptor overflow to the MDC Boston Marginal Conduit. Based on a gaging program performed as part of an engineering report for the estuary facility, ^{1/} minor rain events cause the West Side Interceptor to overflow due to the amount of deposition in the interceptor. The quantity, frequency, and the duration of the wet weather overflows from the interceptor will be reduced once it is cleaned since the current capacity of the interceptor will be greatly increased.

Finally, it should be reiterated that wet weather overflows from the West Side Interceptor do not discharge directly to the Charles River. The overflow is discharged to the MDC Marginal Conduit for conveyance to the MDC Charles River Estuary Chlorination Facility. At the estuary facility, the flow is treated prior to being discharged to the Boston Harbor below the New Charles River Dam.

1/ Engineering Report on the Charles River Estuary
Pollution Control Facility. MDC, 1972.

Wet weather overflows to the MDC Boston Marginal Conduit are conveyed to the MDC Charles River Estuary Chlorination Facility. At the estuary facility, the flow is treated and discharged below the New Charles River Dam. The operator at the estuary facility indicated that the flow occurring at the facility, since it became operational in 1981, has not exceeded 200 mgd. The 64th Annual Report published by the MDC 1/ states that the estuary facility treated and discharged to the Boston Harbor a total of 583 million gallons of flow during 23 operations for fiscal year 1983. This is an approximate discharge rate of 25 million gallons per operation. The MDC's 65th Annual Report 2/ states that 782 million gallons of flow was treated at the facility. However, the total number of operations during that year was not published. It is estimated that for any storm event approximately 30 percent of the flow at the estuary facility is contributed by the Marginal Conduit.

In the engineering report for the design of the estuary facility, it was estimated that the Marginal Conduit could convey about 125 mgd before overflows would occur to the Charles River from the five overflows located on the conduit. Based on available information it appears: (1) the estuary facility provides for a five-year frequency storm pumping capacity of 385 mgd; (2) the facility has yet to exceed a pumping rate of 200 mg ; (3) of the total flow tributary to the facility approximately 30 percent of the flow is contributed by the MDC Boston Marginal Conduit; and (4) ten feet of flow must build up in the Marginal Conduit before overflows to the Charles River occur because a difference of ten feet exists between the invert elevation of the Marginal Conduit, at -1.5, and the weir elevation at the five overflows on the conduit, at +8.5. Therefore, it can be concluded that overflows from the Marginal Conduit to the Charles River should not occur during rain events which have less than a five-year frequency. In addition, once

1/ Metropolitan District Commission Sewerage Division
64th Annual Report for the fiscal year ending
June 30, 1983.

2/ Metropolitan District Commission Sewerage Division
65th Annual Report for the fiscal year ending
June 30, 1984.

the West Side Interceptor is cleaned, the potential for overflows from the interceptor will be less.

The five overflows on the Marginal Conduit are not monitored by any agency and, therefore, the actual frequency and quantity of overflows is not known.

Summary

The impact of 100 percent of the sanitary flow from the 500 Boylston Street Project discharging to the Berkeley Street Sewer on dry and wet weather overflows from the receiving sewers was considered at the request of the Secretary of EOEA although the preferred alternative is to discharge 100 percent of the sanitary flow to the St. James Sewer. If 100 percent of the sanitary flow was to be discharged to the Berkeley Street Sewer, analysis indicates the effect would be insignificant. Dry and wet weather overflows from the West Side Interceptor are treated at the MDC Charles River Estuary Pollution Control Facility before they are discharged below the New Charles River Dam. Untreated dry weather overflows and wet weather overflows, induced by storms with less than a five-year frequency intensity, from the West Side Interceptor and the MDC Boston Marginal Conduit are not currently being discharged to the Charles River Basin. The addition of sanitary flow from the proposed project into the Berkeley Street Sewer would not have any effect on the current overflow situation.

Overflows from sewers located in the Back Bay differ from overflows that occur in the downtown area of Boston. Overflows from sewers in the Back Bay are collected and treated before being discharged into a receiving water. Overflows from sewers located in the downtown area, as well as other areas in Boston, discharge to receiving waters directly.

POTENTIAL CONSTRUCTION IMPACTS

The second major issue of concern raised by the Secretary of EOEA (see Letter 1, Chapter V, of this Final EIR) dealt with potential construction impacts on the sewers in the vicinity of the proposed project.

Exfiltration

The Secretary requested elaboration on the potential for exfiltration of sewage from the St. James Avenue Sewer during project construction. The proposed basement level

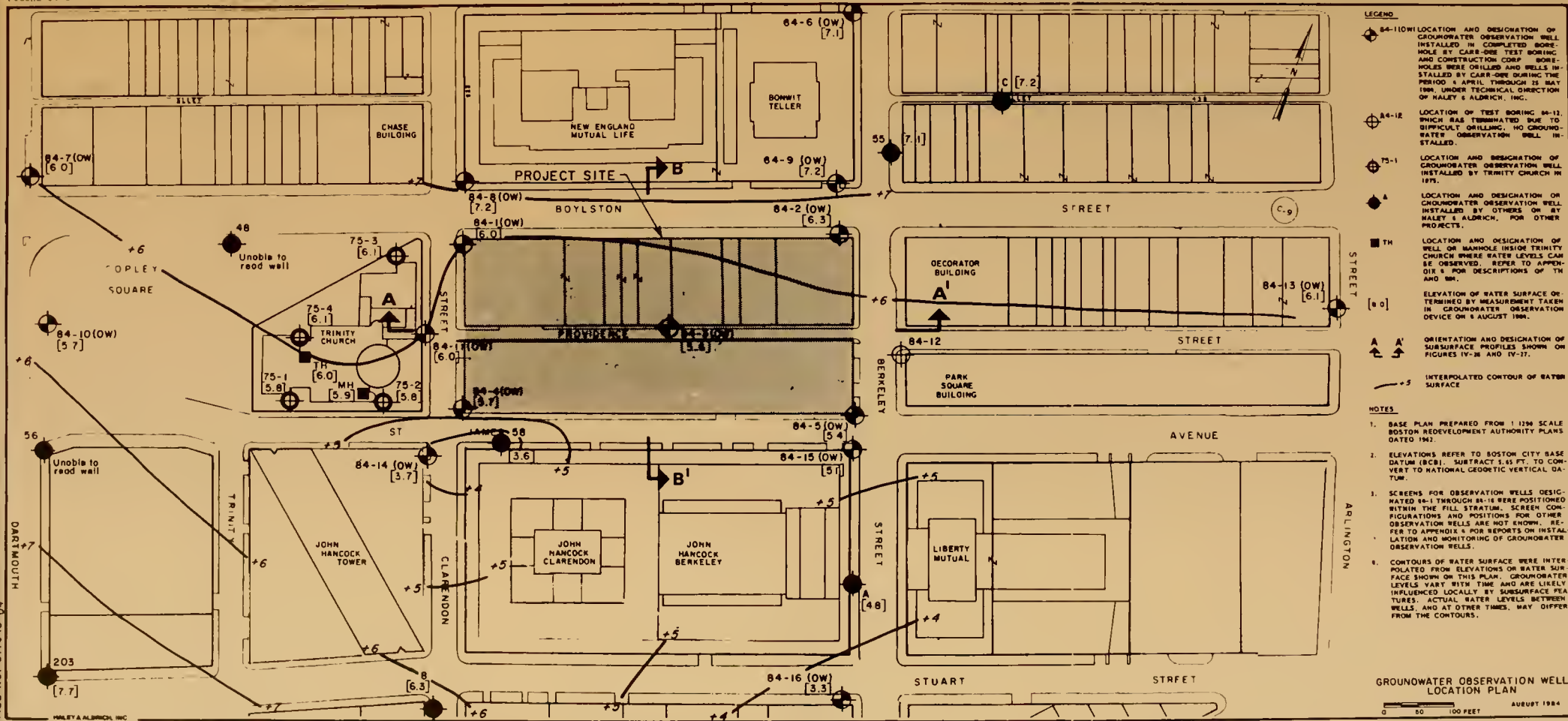
for the 500 Bolyston Street Project will be excavated approximately 20 feet below sewer invert level. The maximum depth of excavation from ground surface will be approximately 40 feet. Geotechnical investigations on existing soil and groundwater conditions were undertaken by the proponent. The results are described in the Boston Redevelopment Authority Draft and Final Environmental Impact Reports, submitted October 1984 and February 1985, respectively.

The St. James Avenue Sewer is artificially surcharged by a dam structure located in Dartmouth Street downstream of the proposed development site. The surcharge at the site is approximately six feet above the crown of the sewer which would correspond to a hydraulic gradeline at elevation +8.0 BCB assuming no deposition.

Groundwater contours as interpreted from readings obtained from observation wells near the project site are shown in Figure IV-5. The direction of groundwater seepage is from north to south through the site. Groundwater levels in the area of the St. James Avenue Sewer are within a range of elevation +5.0 to elevation +6.0 with a localized depression at the intersection of St. James Avenue and Clarendon Street. Groundwater contours do not appear to be affected by the artificial surcharge in the St. James Sewer. This does not preclude possible local high groundwater levels occurring near the pipe. However, groundwater levels a short distance from the pipe are considerably lower than the surcharge elevation.

During the period of construction dewatering inside the excavation, groundwater levels immediately outside the earth support system will be maintained at or above preconstruction elevations. Groundwater recharge may be required to maintain preconstruction elevation as excavation proceeds.

Damage to the pipe during construction could potentially result in exfiltration of sewage. If damage or functional disruption of the sewer should result from the excavation and construction of the 500 Boylston Street Project, the proponent will take responsibility for the appropriate repairs.



LEGEND

84-11(OW) LOCATION AND DESIGNATION OF GROUNDWATER OBSERVATION WELL INSTALLED IN COMPLETED BORE-HOLE BY CARR-OER TEST BORING AND CONSTRUCTION CORP. BORE-HOLES WERE DRILLED AND BELLS INSTALLED BY CARR-OER DURING THE PERIOD 1 APRIL THROUGH 31 MAY 1984, UNDER TECHNICAL DIRECTION OF HALEY & ALDRICH, INC.

84-12 LOCATION OF TEST BORING 84-12, WHICH WAS TERMINATED DUE TO DIFFICULT DRILLING. NO GROUNDWATER OBSERVATION WELL INSTALLED.

75-1 LOCATION AND DESIGNATION OF GROUNDWATER OBSERVATION WELL INSTALLED BY TRINITY CHURCH IN 1975.

A LOCATION AND DESIGNATION OF WELL OR MANHOLE INSIDE TRINITY CHURCH WHERE WATER LEVELS CAN BE OBSERVED. REFER TO APPENDIX 4 FOR DESCRIPTIONS OF TH AND BM.

TH LOCATION AND DESIGNATION OF WELL OR MANHOLE INSIDE TRINITY CHURCH WHERE WATER LEVELS CAN BE OBSERVED. REFER TO APPENDIX 4 FOR DESCRIPTIONS OF TH AND BM.

6.0 ELEVATION OF WATER SURFACE DETERMINED BY MEASUREMENT TAKEN IN GROUNDWATER OBSERVATION DEVICE ON 6 AUGUST 1984.

A A' ORIENTATION AND DESIGNATION OF SUBSURFACE PROFILES SHOWN ON FIGURES IV-16 AND IV-17.

5.5 INTERPOLATED CONTOUR OF WATER SURFACE

NOTES

1. BASE PLAN PREPARED FROM 1/2500 SCALE BOSTON REDEVELOPMENT AUTHORITY PLANS DATED 1962.
2. ELEVATIONS REFER TO BOSTON CITY BASE DATUM (BCB). SUBTRACT 5.45 FT. TO CONVERT TO NATIONAL GEODETIC VERTICAL DATUM.

3. SCREENS FOR OBSERVATION WELLS DESIGNATED 84-1 THROUGH 84-16 WERE POSITIONED WITHIN THE FILL STRATUM. SCREEN CONFIGURATIONS AND POSITIONS FOR OTHER OBSERVATION WELLS ARE NOT KNOWN. REFER TO APPENDIX 4 FOR REPORTS ON INSTALLATION AND MONITORING OF GROUNDWATER OBSERVATION WELLS.

4. CONTOURS OF WATER SURFACE WERE INTERPOLATED FROM ELEVATIONS OF WATER SURFACE SHOWN ON THIS PLAN. GROUNDWATER LEVELS VARY WITH TIME AND ARE LIKELY INFLUENCED LOCALLY BY SUBSURFACE FEATURES. ACTUAL WATER LEVELS BETWEEN WELLS, AND AT OTHER TIMES, MAY DIFFER FROM THE CONTOURS.

GROUNDWATER OBSERVATION WELL LOCATION PLAN

0 50 100 FEET

AUGUST 1984

Ground Movement

The second construction issue raised by the EOEА Secretary concerned the impact of ground movements on the integrity of sewers in the project vicinity. Generally, the movements that might be experienced by the sewers in the project vicinity would be a result of movements in the bracing systems used to support the excavation sides. The St. James Avenue Sewer within the project area is an unreinforced concrete encased 30-inch diameter tile sewer constructed in 1912. The Berkeley Street Sewer consists of a 36-inch by 48-inch modified circle of brick construction built in 1886. Due to their age and type of construction, both sewers could be affected by settlements. However, the amount of movement required that could cause distress is a function of many factors which include, but are not limited to, present condition of the sewers and soil settlement.

It is anticipated, based on soil investigations, that less than two inches of settlement for the St. James Avenue Sewer would occur at the center of the block between Berkeley Street and Clarendon Street. This is not expected to have any effect on sewer facilities or operations. Settlements of similar magnitude are expected for the other sewers in the project vicinity. Proper construction of soil support systems during excavation and the maintaining of groundwater levels at preconstruction levels will minimize movements and limit potential damage to the sewers.

Mitigation Measures

Measures that will be employed to prevent and mitigate potentially adverse effects of the proposed below-grade construction have been developed by the proponent's geotechnical engineer. These measures fall into four general categories:

- o Preventive design
- o Construction performance criteria
- o Monitoring during and after construction
- o Predetermined mitigation measures.

The excavation procedures and lateral support system will be designed to prevent adverse effects, in consideration of the importance of nearby structures. Specific performance criteria will be incorporated into the contract specifications. The contractor and the proponent's geotechnical engineer will monitor excavation performance for early detection of movements or groundwater drawdown. This is intended to enable timely implementation of mitigation measures, if necessary.

Specific performance criteria will be required of the contractor during excavation and below-grade construction. The contractor will be required to monitor movement of the excavation and adjacent structures according to specifications that will specifically prohibit inappropriate construction practices which are known to contribute to unfavorable performance. The project specifications will include criteria for stopping work and/or undertaking remedial measures if movement of the lateral support system exceeds a specified limit.

The proponent's geotechnical engineer will review the contractor's design submittals for the lateral earth support system for conformance to the criteria and specified performance requirements. Revisions will be recommended as necessary, to achieve conformance. All contractor designs and procedures must be accepted by the design team prior to implementation.

Full-time on-site monitoring of the contractor's construction activities will be provided by the proponent's geotechnical engineer until the below-grade portions of the structure are completed. This will provide for independent monitoring of the contractor's compliance with the project specifications, and will enable early notification and correction of on-site problems.

The proponent will also install and monitor appropriate survey points and geotechnical instrumentation to document the performance of the excavation and effects on nearby facilities. Such monitoring is planned to include measurements of settlement, ground and earth support system movements, and other data. This information can provide aid in warning of unacceptable excavation performance and enable corrective procedures to be implemented.

With the design submittals, the contractor will be required to provide contingency procedures to be reviewed by the proponent's design team prior to construction, and undertaken in the event of excessive excavation movement. Such measures might include altering the excavation procedure or installation of additional bracing.

Similar prevention and mitigation procedures will be employed for the control of groundwater effects. In particular, groundwater observation wells will be monitored for over one year prior to construction. The contractor will be required to install additional wells around the excavation and continuously maintain sub-surface water levels at or above preconstruction elevations. Contingency measures, including plans for temporarily recharging the groundwater, will be developed in advance and implemented if necessary.

After construction, the groundwater observation wells will be available indefinitely for monitoring water levels to determine the need for groundwater recharging. Permanent recharging will be implemented, if necessary, to maintain applicable measured preconstruction groundwater levels immediately around the new building. Such a recharge system would likely consist of a perforated pipe, installed below ground around the new building perimeter. Water would be injected into the pipe, gradually escaping into the surrounding soil and recharging the water table. The injected water may include roof and pavement runoff.

V Comments and Responses

INTRODUCTION

This chapter reproduces the Secretary of Environmental Affairs' Certificate on the Draft EIR and the letters received by the Secretary during the public review period. Each letter is numbered, beginning with the Certificate. Within each letter each separate comment is also numbered sequentially. In the response sheet that follows each letter, the coding for each response begins with the letter number followed by the internal comment number. For example, the third comment of the second letter is referred to as 2.3.



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street

Boston, Massachusetts 02202

MICHAEL S. DUKAKIS
GOVERNOR

November 29, 1984

JAMES S. HOYTE
SECRETARY

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFIARS

ON THE

DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : 500 Boylston Street
PROJECT LOCATION : Boston, Massachusetts
EOEA NUMBER : 5217
PROJECT PROPONENT : New England Mutual Life/Gerald D. Hines
DATE NOTICED IN MONITOR : October 23, 1984

The Secretary of Environmental Affairs herein issues a statement that the Draft Environmental Impact Report for the 500 Boylston Street Project adequately and properly complies with Massachusetts General Laws, Chapter 30, Sections 62 through 62H, inclusive, and with the regulations implementing MEPA.

The Environmental Impact Report, limited to issues of sewer impacts, is generally responsive to the scope contained in my Certificate of July 6, 1984. Staff review, however, did raise some questions requiring response in the Final Environmental Impact Report.

Foremost among these comments is that there appears to be some confusion in the text as to the sewers to be used for the project. The summary indicates on page 3 that sanitary sewage will be discharged to the St. James Street Sanitary Sewer and that stormwater will be discharged to the Boylston Street and Berkeley Street Storm Drains. Since this will result in separated storm and sanitary discharges, this approach is appropriate. Elsewhere in the text, several references are found to the potential use of the Berkeley Street Combined Sewer for sanitary flows. Since this would make more difficult any future separation of sewers in this area, the proponent should confirm and abide by the decision to use the St. James Street Sanitary Sewer for sanitary flow and the Boylston Street and Berkeley Street Storm Drains for stormwater.

2
The discussion of the West Side Interceptor needs to be expanded to include information on the location and frequency of overflows between the Berkeley Street Sewer and the St. James Street Sewer connection points. Even though all overflows are upstream of the St. James Street Sewer connection, storm flow and dry weather flow from the site will enter the West Side Interceptor through the Berkeley Street Sewer. The effects of these flows on periodic overflows of the West Side Interceptor must be documented.

3
The MDC Chlorination Facility, discussed on page 28, apparently has capacity to treat 385 million gallons per day (mgd). How often is this capacity exceeded and what are the upstream effects on the Marginal Conduit when this occurs?

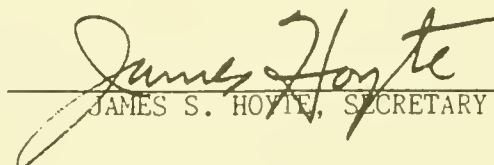
4
5
6
Sanitary sewage flows in the St. James Street Sewer are listed as 4.93 mgd on page 31 and 6.93 mgd on page 32. Which of these is the actual existing flow? In the analysis of the St. James Street Sewer, it appears that the hydraulic grade line of the sewer at the project site is approximately 8.00 feet Boston City Base (BSB). An examination of the more complete Boston Redevelopment Authority EIR indicates that the bottom of the excavation for the project will be about -22.00 feet BSB. An analysis should be made of the potential for exfiltration of sewage from the line during construction and of potential construction impacts on the integrity of this and the other sewers in the project vicinity. In addition, the plans for relocation or replacement of the 15-inch combined sewer now running along Providence Street should be provided.

7
8
The analysis of the Berkeley Street Sewer, on page 41, also needs some clarification and improvement. The assumption that existing and post project storm flows in this sewer are identical requires that data be presented on the existing storm drainage connections from the site. An analysis should also be made of the effects of wet weather overflow of the West Side Interceptor on flows in the Marginal Conduit, since page 28 indicates that the West Side Interceptor overflows to the Conduit now in dry weather. It is possible that the impact assessment understates effects on the Marginal Conduit by only including additional flow to the Berkeley Street Sewer. Thus, more detail on wet weather flows and impacts is required.

9
Finally, several letters of comment were received during the review of the Draft EIR. The proponent should respond to those dealing with sewer issues in the Final EIR submitted to this office.

November 29, 1984

DATE


JAMES S. HOYTE, SECRETARY

Attachments: Bard (MAPC) Letter 11/8/84
Coyle (BRA) Letter 11/21/84
Gleason (CBNEL) Letter 11/21/84
Casselman (NABB) Letter 11/21/84
Boehm (APCC) Letter 11/21/84

LETTER 1

Certificate of Secretary of Environmental Affairs
Executive Office of Environmental Affairs
Commonwealth of Massachusetts
November 29, 1984

(1.1) COMMENT: Clarification of sewers to be used.

RESPONSE: All of the sanitary flow from the proposed project will discharge to the St. James Avenue Sewer and stormwater will discharge to the storm drains in Boylston Street and St. James Avenue. A more detailed discussion of this issue is presented in paragraph 2 on page IV-2.

(1.2) COMMENT: Location, frequency, and effects of overflows on the West Side Interceptor between the Berkeley Street Sewer and the St. James Avenue Sewer connection points.

RESPONSE: These issues are discussed in detail beginning on page IV-4 and continuing through page IV-13.

(1.3) COMMENT: Frequency of flows occurring in excess of the maximum pumping capacity of the MDC Chlorination Facility and the related effects on the MDC Boston Marginal Conduit.

RESPONSE: Since it became operational in 1981 the maximum pumping capacity in the MDC Chlorination Facility has never been exceeded. A detailed discussion of this issue is presented in paragraph 2 on page IV-8, and in paragraphs 2 and 3 on page IV-12.

(1.4) COMMENT: Clarification of sanitary flows in the St. James Avenue Sewer.

RESPONSE: Average dry weather flow in the St. James Avenue Sewer under the No-Build Alternative was

estimated at 4.93 mgd. Peak dry weather flow in the St. James Avenue Sewer under the No-Build Alternative was estimated at 6.93 mgd. A net peak increase of approximately 0.08 mgd was estimated from the proposed development, bringing the total estimated peak dry weather flow to 7.01 mgd.

(1.5) COMMENT: Construction impacts on sewers in the project vicinity.

RESPONSE: Construction impacts are discussed in detail beginning on page IV-13.

(1.6) COMMENT: Plans for the combined sewer in Providence Street.

RESPONSE: The combined sewer in Providence Street would be removed during excavation of the site as it would no longer be needed to serve the proposed project. Connections to the sewer at Clarendon Street and Berkeley Street would be bulkheaded.

(1.7) COMMENT: Existing storm drainage connections from the project site.

RESPONSE: Boston Water and Sewer Commission personnel indicated that some knowledge of storm drainage connections from the project site exists. Record files indicate that there are three existing connections to the storm drain in Boylston Street. However, sectional plans indicate a total of 12 storm drain connections to several sewers and storm drains surrounding the proposed project site exist. These 12 connections are as follows: three to the storm drain in Boylston Street, one to the 36x64-inch storm drain in Berkeley Street, five to the storm drain in St. James Avenue, and three to the combined sewer in Providence Street. It is not known if these are all of the existing storm drain connections, if any of the located connections are still active, or if any of the connections have been

modified. A field verification would be required to determine the precise number and location of the connections.

(1.8) COMMENT:

Effects on the MDC Boston Marginal Conduit of wet weather overflow from the West Side Interceptor.

RESPONSE:

This issue is discussed in detail beginning on page IV-11 and continuing through to page IV-13.

(1.9) COMMENT:

Other letters of comment on the Draft EIR for the 500 Boylston Street Project.

RESPONSE:

All letters submitted during the review period to the Secretary of Environmental Affairs are reproduced on the following pages. Responses are provided to all comments "dealing with sewer issues" as requested by the Secretary.



Metropolitan Area Planning Council

110 Tremont Street Boston, Massachusetts 02108 (617)-451-2770

LETTER 2

Serving 101 Cities & Towns in Metropolitan Boston

November 8, 1984

RECEIVED

The Honorable James S. Hoyte, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202

NOV 23 1984

OFFICE OF THE SECRETARY OF
ENVIRONMENTAL AFFAIRS

ATTENTION: MEPA Unit

RE: 500 Boylston Street Project, Boston
(MAPC #DEIR-85-3, received 10/24/84) EOE #5217

Dear Secretary Hoyte:

In accordance with the provisions of Chapter 30, Section 62 of the Massachusetts General Laws, the Council has reviewed the Draft EIR for the 500 Boylston Street Project. Our comments treat the sewer impacts described in the DEIR.

The Report discusses the present sewer system from the project site to the headworks at the Deer Island Treatment Plant and analyzes the impacts of the development on two different sewers, namely, the St. James Ave. sewer and the Berkeley St. sewer. The Report concludes that the "sanitary flows from the proposed development could discharge to many of the local sewers...however, it is anticipated that the bulk of the sanitary flow would discharge directly to the St. James Sewer...". The Report should be clear about what volume of sewage will be discharged into each and any sewer in the site vicinity.

Regardless of whether the proposed development discharges to the St. James Ave. sewer or the Berkeley St. sewer, there will be impacts on the West Side Interceptor. The Report indicates that the West Side Interceptor overflows periodically; however, no information is provided regarding the frequency and volume of overflows or the locations of such overflows. It is unclear what impacts the project would have on the West Side Interceptor, whether sewage is discharged to either the St. James Ave. or the Berkeley St. sewer. What is the capacity of the West Side Interceptor upstream of the St. James Ave. sewer?

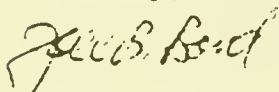
The Report acknowledges that there is deposition in the West Side Interceptor and possibly in the St. James Ave. sewer. The PHP analysis for the St. James sewer assumed no deposition, which may not reflect the actual conditions. The West Side Interceptor is reported to have "substantial deposition throughout its entire length" which results in overflows and a capacity loss of up to 80% in some areas. Where are the areas of heavy deposition? Does BSWC have a schedule for cleaning the sewers? As this work is not under the proponents' control, the analysis should include probable impacts in the event that the cleaning is not performed.

Regarding the storm drainage from the site, the Report indicates that most of the runoff will discharge to the existing storm drain on Boylston St; however, information concerning the present capacity of this drain is not given. Again, the proponent should be specific about which sewers will be receiving the site drainage and in what quantities.

5

Thank you for the opportunity to review this DEIR.

Sincerely,



Joel B. Bard
Assistant Director/General Counsel

JBB/WM/cmw

cc: Geoffrey Boehm, MAPC Rep, Boston
Kenneth S. Moczulski, Project Manager, Gerald D. Hines Interests
Wendy Martinez, MAPC Staff

P.S. Comments from the MAPC Boston Representative are sent under separate cover.

LETTER 2

Metropolitan Area Planning Council
November 18, 1984

-
- (2.1) COMMENT: Volume of sanitary flow from the project to be discharged into each sewer.
- RESPONSE: The total sanitary flow projected to be discharged from the site is 0.099 mgd. The net increase in sanitary flow from the proposed project is approximately 0.074 mgd. All of the sanitary flow is proposed to discharge to the St. James Avenue Sewer.
-
- (2.2) COMMENT: Effects of project sewage on the West Side Interceptor.
- RESPONSE: This issue is discussed in detail beginning on page IV-8 and continuing through page IV-13.
-
- (2.3) COMMENT: Capacity of West Side Interceptor upstream of the St. James Avenue Sewer.
- RESPONSE: The capacity of the West Side Interceptor in the reach between the St. James Avenue Sewer and the Berkeley Street Sewer connections is approximately 34 mgd. Peak dry weather flow in this reach is estimated to range between 19 and 23 mgd.
-
- (2.4) COMMENT: Deposition in sewers and cleaning schedule. How does deposition affect PHP analysis?
- RESPONSE: Deposition in the West Side Interceptor is estimated to range between 2 and 42 inches. The heaviest areas of deposition are upstream along Causeway Street and downstream of the St. James Avenue Sewer connection in Dalton Street. Deposition in the West Side Interceptor between the St. James Avenue Sewer and the Berkeley

Street Sewer connections generally ranges between 18 and 30 inches. The amount of deposition, if any, in the St. James Avenue Sewer is unknown. It is probable that some degree of deposition does exist in the St. James Avenue Sewer upstream of the siphon structure on Boylston Street and upstream of the dam structure on Dartmouth Street.

At the present time, the Boston Water and Sewer Commission (BWSC) has plans to clean both the West Side Interceptor and the St. James Avenue Sewer. Cleaning of the West Side Interceptor is imminent with completion anticipated by late 1985 or early 1986. The previously scheduled cleaning of the St. James Avenue Sewer has been delayed temporarily, but should be completed in the near future.

The hydraulic analyses of the St. James Avenue Sewer were done using Metcalf & Eddy's Plant Hydraulics Profile (PHP) computer program, assuming the sewer had no deposition. Due to the normally wide variation of deposition depths in a sewer, it would be extremely difficult to analyze hydraulic conditions while factoring in the effects of deposition directly. Instead, hydraulic conditions in sewers containing known deposition are normally adjusted to reflect actual conditions after the computer analyses have been performed.

Since there have been no reports of sewage backups into basements in the area tributary to the St. James Avenue Sewer, it is unlikely that deposition is significantly affecting the hydraulic gradeline shown on the profiles. As discussed in the Draft EIR, the Build Alternative has an insignificant effect on the hydraulic gradeline in the St. James Sewer. It therefore can be concluded that whether or not deposition exists in the sewer, the Build Alternative would have a minimal impact on the hydraulic gradeline.

(2.5) COMMENT:

Volume of storm drainage from the site and identification of receiving sewers.

RESPONSE:

The estimated peak stormwater runoff rate based on a five-year storm from the project site is 2.0 mgd. Since the present site is 100 percent developed, there should not be a significant change in stormwater runoff associated with the proposed 500 Boylston Street Project. The plan for discharging storm flows from the site is still under design. Preliminary design calls for discharging approximately sixty percent of the storm flow to the storm drain on Boylston Street and approximately forty percent to the storm drain on St. James Avenue. The capacity of the Boylston Street storm drain is approximately 68 mgd and the estimated five-year peak stormwater runoff rate to the drain is 25 mgd. The capacity of the storm drain that originates on St. James Avenue ranges from 2.3 mgd to 14.9 mgd. There is no flow entering the storm drain upstream of the project site because the storm drain originates at the intersection of St. James Avenue and Berkeley Street and continues west along St. James Avenue. Each of these storm drains should have adequate capacity to carry the anticipated storm flows from the project site.

Boston Redevelopment Authority

RECEIVED

NOV 26 1984

Stephen F. Coyle/Director

OFFICE OF THE SECRETARY OF
ENVIRONMENTAL AFFAIRS

November 21, 1984

Secretary James Hoyte
Executive Office of
Environmental Affairs
100 Cambridge Street
Boston, MA 02202

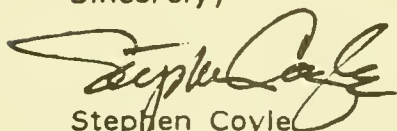
Dear Secretary Hoyte:

Re: EOEA #5217 - 500 Boylston Street Project

The Boston Redevelopment Authority has reviewed the MEPA Draft Environmental Impact Report for the 500 Boylston Street project and wishes to offer the following comments.

- (1) The Berkeley Street sewer size (minimum) is given variously as 36"x48" (page 26), 36"x36" (Fig. IV-1), and 36"x42" (Fig. IV-4). Since the dimensions refer to the same pipe segment, they should be consistent and the correct dimension given in the final report. 1
- (2) On page 31, the assumption is made for the hydraulic analysis that the sewer network has no deposition. Reality dictates, however, that some must exist, so that the analysis presented in this report can be somewhat speculative and perhaps more favorable than would actually be the case. 2
- (3) The charts (Fig. IV-5, IV-6) which show hydraulic grade lines do not indicate any basement or sub-basement levels. The EIR should address the issue as to whether any basements are located below the hydraulic grade line and thus would be subject to flooding. 3
- (4) Since the report contains a great deal of engineering input, it would seem prudent that an engineering certification be stamped on the final document. 4

Sincerely,



Stephen Coyle
Director

cc: Kenneth S. Moczulski
Gerald D. Hines Interests

RECEIVED

NOV 26 1984

OFFICE OF THE SECRETARY
OF ENVIRONMENTAL AFFAIRS

1 City Hall Square
Boston, Massachusetts 02201
(617) 722-4300

Boston Redevelopment Authority is an Equal Opportunity/Affirmative Action Employer

LETTER 3

Boston Redevelopment Authority
City of Boston
November 21, 1984

-
- (3.1) COMMENT: Dimensions of Berkeley Street Sewer.
- RESPONSE: The Berkeley Street Sewer is a 72x78-inch combined sewer in its most downstream reach. Upstream, the sewer varies from a 36x48-inch to a 36-inch to a 36x36-inch combined sewer. The correct sizes of the sewer are shown in Figure IV-1, on page IV-3, of this Final EIR.
-
- (3.2) COMMENT: Deposition in sewer network.
- RESPONSE: This issue is discussed in response to Letter 2, Comment 2.4 on page V-9.
-
- (3.3) COMMENT: Potential flooding of basements below the hydraulic gradeline of the St. James Avenue Sewer.
- RESPONSE: The invert of the St. James Avenue Sewer upstream of the dam structure in Dartmouth Street is at approximate elevation 0.0 Boston City Base (BCB). The hydraulic gradeline of the sewer is controlled by the dam at approximate elevation +8.0 BCB, which is a surcharge of about five and one-half feet above the pipe crown. The street surface elevation along Dartmouth Street and St. James Avenue ranges between +16.0 and +20.0 BCB. Therefore, the hydraulic gradeline is approximately eight to twelve feet below street surface. Basement levels normally lie six to ten feet below the street surface. A review of existing field conditions and the BWSC complaint file indicates that basement flooding has not been reported. This implies that either basement levels are above the hydraulic gradeline or pumps and/or backflow preventers are used in adjoining structures to prevent backups or flooding. Because the additional flow generated from the project site has virtually no impact on the hydraulic gradeline of the St. James Avenue Sewer, there should be no change in the potential for basement flooding.

(3.4) COMMENT:

Engineering Certification.

RESPONSE:

The MEPA EIR is a planning evaluation of the proposed project. At this level of evaluation, an engineering certification is not appropriate.

MASON & MARTIN

LAWYERS

SEARS CRESCENT

GOVERNMENT CENTER

BOSTON, MASSACHUSETTS 02108

TELEPHONE (617) 742-7020

CABLE: "MAMA" BOSTON

HERBERT P. GLEASON
COUNSEL

RECEIVED

NOV 21 1984

November 21, 1984

OFFICE OF THE SECRETARY OF
ENVIRONMENTAL AFFAIRS

James S. Hoyte, Secretary of Environmental Affairs
Saltonstall Building
100 Cambridge Street
Boston, MA 02202

Matter: New England Life development
500 Boylston Street, Boston, MA
EOEA No. 5217

Dear Mr. Hoyte:

We are writing on behalf of Citizens for a Better New England Life to comment on the draft Environmental Impact Report submitted to you in connection with the proposed New England Life Insurance Company development at 500 Boylston Street, Boston, a 3.15 acre city block on which New England Life proposed to erect two twenty-four story office towers and assorted smaller structures containing an aggregate of 1.2 million square feet of office space, 100,000 square feet of retail space, and 1000 parking spaces located underground. We are also writing to comment more broadly on the consequences of your declining to broaden the scope of the EIR beyond sewerage issues, as set out in your Certificate on the Environmental Notification Form dated June 6, 1984, partly in deference to a broader EIR to be submitted (and by now submitted) to the Boston Redevelopment Authority.

The draft EIR, as limited by you to sewerage issues, basically arrives at the same old conclusion which citizens have come to recognize as the Environmental Impact Dodge: this one project won't make that much difference. It is, we submit, a futile exercise to consider this project in isolation when several development projects of equal or greater impact are in the pipeline. Our comments are in part provoked by the supplement in the Boston Sunday Globe for November 11, 1984, "The Liveable City?" which records the Globe-sponsored conference last spring on Boston's growth. It describes forty-seven projects real enough to have developers, architectural models and sites under control. Ten of these, including the New England Life

proposal, have been formally endorsed for completion by the administration of Mayor Flynn and by the Boston Redevelopment Authority under its new Director, Stephen Coyle. Although others remain under study it seems likely that most of them will be approved in some form. The ten approved projects alone will add 25,000 permanent jobs in Boston the holders of which will drive automobiles into Boston (with concomitant environmental effect) or ride the MBTA (already operating at capacity during peak hours), will consume water and discharge sewage in quantities appropriate to their numbers, will generate solid waste in amounts that can be reliably predicted, and so on. The structures proposed will permanently alter the configuration of building masses in downtown Boston (with consequent impacts on wind velocities and patterns) and will permanently alter the distribution of employment densities (with consequent impacts on traffic, MBTA and pedestrian flow). The study of one project in isolation -- here the New England Life proposal -- generates data which compare the impact of that project to the present state of affairs. If, as is the case, the present state of affairs will be immutably changed by the time the project is completed, the data are meaningless.

You may reply that we are talking about municipal planning, not environmental review, and that in Boston municipal planning is the business of the Boston Redevelopment Authority to which an EIR of wider scope has been submitted. This reply would miss the point. The BRA has an interest in planning but it is fundamentally, and appropriately, a development agency (called "redevelopment" because there is not in Boston unused land to develop in the first place). The BRA has an institutional interest in growth and development. With few exceptions (notably Quincy Market) the BRA throughout its history has endorsed growth and development leaving environmental analyses (and consequences) to others. The BRA has no institutional mandate to balance growth and development against environmental issues. Only your office has this mandate.

As an instance of the BRA's orientation we would point to its acquiescence in an environmental analysis which compares only the proposed project to "no-growth" or, in other words, the present state of affairs. It seems to us that the BRA should always insist on an analysis which includes at least the alternative of building in accordance with applicable zoning limitations: floor area ratio, setback, height and the like. Then the BRA would be in a position to answer the question: How much more is this developer asking of the environment than he is entitled to ask of it? Your office acquiesced in the same analysis, perhaps with better justification since you can realistically take notice that the project which the BRA endorses is the project that is going to be built. Nevertheless, by doing

so you implicitly accept that the BRA and the proponent stand in the same shoes so far as environmental impact is concerned. You must realize that the BRA and the developer will always come to you in agreement that the environmental costs of a proposed development are worth incurring. Your office is the only place where an independent environmental review will take place.

We, therefore, urge you reject the draft EIR, to reverse your decision to require an EIR limited to sewerage issues, to require a broadly scoped EIR, and to insist that the alternative of building only to the limits of existing zoning requirements be studied.

Very truly yours,



Herbert P. Gleason

HPG/das

HAND DELIVERED

cc: Stephen Coyle, Director, Boston Redevelopment Authority
Robert Manning, Citizens for a Better New England Life
Susan Park, Boston Preservation Alliance

LETTER 4

Mason & Martin
November 21, 1984

This letter contains no sewer issue comments for response. See Letter 1, Comment 1.9 on page V-6.

THE NEIGHBORHOOD ASSOCIATION OF THE BACK BAY, INC.

RECEIVED

NOV 26 1984

November 21, 1984

OFFICE OF THE SECRETARY
OF ENVIRONMENTAL AFFAIRS

James S. Hoyte, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202

Re: 500 Boylston Street, EOE #5217
Comments on DEIR

Dear Secretary Hoyte:

The Neighborhood Association of the Back Bay (NABB) submits the following comments with respect to the Draft Environmental Impact Report (DEIR) submitted to your office on the above project.

For the reasons set forth in the letter dated June 28, 1984 stating the position of the St. James Avenue Garage Civic Advisory Committee (CAC), NABB continues to believe that there is MEPA jurisdiction over projects such as the present one. 301 CMR 10.32(3)(h)(2) clearly covers this project and, as the discussion in your July 6, 1984 Certificate indicates, the BRA supported this view at the time of adoption on the regulation in 1978. Neither past misinterpretation nor "developer expectations" justify failure to abide by the rule. Furthermore, it may be that your failure to apply an unambiguous rule is the legal equivalent of rule-making, yet your office has afforded none of the procedural safeguards required by G.L. c. 30A. Thus, NABB urges you to reconsider your decision on MEPA jurisdiction over this project.

The DEIR submitted by the proponent is deficient in that it fails to address the following topics: wind, shadow, natural resources (including geological issues), transportation (including traffic and parking), air quality, archaeology, or historic/visual quality.

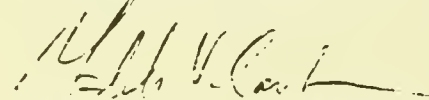
NABB does not believe that the draft environmental impact report submitted by the proponent to the Boston Redevelopment Authority satisfies the need for a state-mandated EIR. Conveyance of the St. James Avenue Garage by the City to the proponent, a necessary aspect

of the 500 Boylston Street Project, is required under the sale and construction agreement between the parties only upon the satisfaction of numerous conditions, including approval by the BRA of necessary zoning changes through the establishment of a planned development area (PDA), which itself is dependant upon satisfactory review of the BRA version of the environmental impact report. Yet the City has already represented to the state Department of Revenue (as part of the certification of the City's tax rate) that the garage will be sold by June 30, 1985.

NABB is available for further discussion of these issues. If deemed appropriate, kindly contact the undersigned at his office: Bromberg, Sunstein & McGregor, 31 Milk Street, Boston, MA 02109 (426-6464).

Very truly yours,

NEIGHBORHOOD ASSOCIATION
OF THE BACK BAY



Frederick V. Casselman

cc: Joseph O'Connor
Stamen O'Gilvie
Brian Fallon
Mitchell Fischman
Samuel Mygatt

1. The zoning ordinance requires, as a condition of the grant of a PDA, that the BRA find that "nothing in the [PDA] plan will be injurious to the neighborhood or otherwise detrimental to the public welfare." Section 3-1A. Much of the data collected in the preparation of an EIR would be relevant to this determination.

LETTER 5

The Neighborhood Association of the Back Bay, Inc.
November 21, 1984

This letter contains no sewer issue comments for response. See Letter 1, Comment 1.9 on page V-6.



Metropolitan Area Planning Council

110 Tremont Street Boston, Massachusetts 02108 (617)-451-2770

Serving 101 Cities & Towns in Metropolitan Boston

RECEIVED
OCT 26 1984
CITY OF BOSTON
ENVIRONMENT DEPT.

DATE: October 24, 1984

I.D. #: DEIR-85-3

TO: Geoffrey Boehm

COMMUNITY: Boston

Enclosed is a description of the project referenced below.

The Council requests that you consider whether this report adequately describes the project's impact upon your community and addresses significant environmental benefits and potential damages.

PROJECT TITLE: 500 Boylston Street Project

THE COUNCIL HAS ONLY 20 CALENDAR DAYS TO FILE COMMENT WITH
E.O.E.A. TO MEET THIS DEADLINE, YOUR COMMENTS MUST BE
RECEIVED AT THE MAPC BY November 8, 1984

RECEIVED

OCT 26 1984

- ☐ ADEQUATELY DESCRIBES ENVIRONMENTAL IMPACTS
- ☒ MERITS FURTHER ENVIRONMENTAL STUDY
- ☒ NEED MORE INFORMATION

OFFICE OF THE SECRETARY
TO THE PRESIDENT

EXPLANATORY COMMENTS: The limited scope of the required MEPA DEIR deals only with the sewer impacts. Since the BRA DEIR is a more indepth attempt, the following relates to the BRA DEIR for the purpose of public information, through the MEPA process.

The developer/general contractor MUST comply with the City of Boston Air Pollution Control Commission's Regulations for the control of fugitive dust emissions and control of noise, during the demolition and construction phases. The mitigating measures mentioned in the DEIR are minimal at best, and this Commission will demand more detailed measures to ensure the public health and welfare of the general public is protected. This will include limited hours of construction, machinery, etc. to negate noise impacts on residents and businesses alike. More elaborate measures to control the dust such as wheel wash for all trucks leaving site, use of calcium chloride, ensure all construction equipment do not emit visible emissions from lack of proper tune-up, and many more restrictions.

On page 3 the applicant states "it is believed that a shift to public transportation modes, combined with an increase in vehicle occupancy rates, will lessen the affects...."

SIGNATURE: [Signature]

DATE: NOVEMBER 21, 1984

Elizabeth A. Bransfield, President

William C. Sawyer, Vice President

Frank E. Baxter, Secretary

Patricia A. Brady, Treasurer

The APCC staff believes this is a good measure and plans to require the following as conditions of the project's Parking Freeze Permit to ensure that the mitigating measures mentioned throughout the DEIR are implemented for the 625 public spaces: no monthly rates, all parking available on a daily basis; 315 spaces for short-term "shopper" parkers, by both rate structure and limiting access to after the morning commute; secure bicycle storage area; designated office for commuter information for mass transit, encourage users of the garage to participate in car-pool and van pools (high occupancy vehicles) including specifically requesting significant tenants such as New England Life and others to undertake their own program for employees, maintain an updated list of ALL tenant/employee residential addresses in the project leasing office and commuter information office to offer matching services to all employees within the development and in coordination with CARAVAN; designate specific space within the garage for these high occupancy vehicles; and offer monthly spaces to only high-occupancy vehicles. These are a few of the measures which will help the projected shortage and also help to mitigate the CO violations of NAAQS, by limiting the peak traffic flow periods of single occupancy vehicles.

The aforementioned comments should also apply to the proposed increase at the National Garage which is for employee parking of New England Life. If New England Life is serious about the mitigating measures of traffic congestion and air quality, then any expansion of the National Garage for employees should be for high-occupancy vehicles only.

On pages 83 and 84 the applicant states that many of the mitigating measures are dependent on whether they are "economically feasible". The City of Boston Air Pollution Control Commission staff does not accept this premise. The developer shall make ALL the measures feasible, and since the majority of the employees within this project are their own, it can be done!!

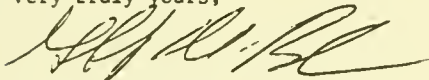
As for the measures the applicant is requesting of the City of Boston Traffic and Parking Dept., this writer has not been involved in these discussions and is now trying to collect this data.

Please see the attached letter from the City of Boston Archaeologist.

The developer has requested a Parking Freeze Permit from the Air Pollution Control Commission for the 1,000 space garage. Since many of the issues are still unresolved, the Commission issued only an interim permit (see attached). The developers request for expanding the National Garage has been withdrawn without prejudice, to further discuss some unresolved issues.

The proposed parking management plan that must be signed by the BRA has NOT been signed and this proposal needs a lot more detail to mitigating measures before it should be signed by the BRA. The BRA should and the developer, hold meetings with other concerned neighborhood groups other than the listed CAC members. More public input is required.

Very truly yours,



Geoffrey M. Boehm
City of Boston
MAPC Representative

GMB

Attachments



City of Boston
The Environment
Department

Boston City Hall/Room 805
Boston, Massachusetts 02201
617/725-4416 or 725-3850

November 9, 1984

Geoffrey Boehm
Environment Department
Room 805, Boston City Hall

Dear Geoffrey:

After continued negotiations with the developers of 500 Boylston Street, a number of changes have been made to the October 3, 1984 draft agreement which appeared in the Draft Environmental Impact Report submitted to the Boston Redevelopment Authority. The agreement outlines a phased process by which the adverse impact to the archaeological resources will be mitigated. With the changes in place, particularly those in paragraphs 4 and 6 which concern the scope of work and funding for the project, the agreement becomes acceptable.

Sincerely,

Stephen Mrozowski
City Archaeologist

CC: Secretary James S. Hoyt
Valerie Talmage

November 7, 1984

DRAFT

Mr. Stephen Mrozowski
City Archaeologist
Environment Department, Room 805
Boston City Hall
1 City Hall Square
Boston, MA 02201

Ms. Bronna Simon
State Archaeologist
Massachusetts Historical Comm.
80 Boylston Street
Boston, MA 02116

Re: Archaeological Investigations for the
500 Boylston Street Development Project

Dear Steve and Bronna:

The New England Mutual Life Insurance Company and the Gerald D. Hines Interests are pleased to submit this proposal to you concerning the conduct of archaeological studies as part of the 500 Boylston Street Development in Boston. This proposal is based upon our continuing discussions with Steve Mrozowski over the last four months including our meetings of September 12, October 2, and November 5, 1984. We are grateful for the time and effort you have already committed to this project, and we have attempted to incorporate your ideas and suggestions into this document.

Based on our discussions, we believe the following points should be used to define the relationship between New England Life/Gerald D. Hines Interests and the City of Boston concerning these studies:

1. The archaeological resources suspected to be present at the project site may be unique in the Western Hemisphere. Therefore, the highest level of scientific expertise must be mobilized for the site investigations and related research.
2. As the Archaeologists for the City of Boston and the Commonwealth of Massachusetts, you are uniquely qualified to advise all concerned parties as to the appropriate approach to the archaeological investigations for the 500 Boylston Street site. Furthermore, your communications with the distinguished Dr. Dena Dincauze and other scientists have enabled you to prepare preliminary plans for the research team and scope of services for the investigations. Therefore, we respectfully request that the City of Boston Department of the Environment serve as the managing entity for the archaeological investigations and that Steve Mrozowski serve as Project Manager.
3. While there are strong positive indications as to the presence of archaeological resources on the site, there is little data available as to the areal extent of such resources, or their condition. Investigations of the site must be conducted in a phased manner, so that each new field or laboratory activity should -- as practically feasible -- be based upon information or conclusions derived from prior work.

Mr. Stephen Mrozowski
November 7, 1984
Page Two

4. The preliminary scope of services for the archaeological investigations as prepared by Dr. Dincauze includes both field investigations/data collection and related paleo-environmental analyses. This inter-disciplinary approach is the most appropriate to investigate the fishweir as an archaeological site. The scope of these investigations will be established by the results of a reconnaissance study and through consultation with the Massachusetts Historical Commission (MHC), the City Archaeologist, and project scientists in consultation with Gerald D. Hines Interests and New England Life.
5. The uncertainties of scheduling for the 500 Boylston Street project, and related uncertainties as to the specific location and extent of construction activities make it difficult to propose and agree upon a definite schedule for the archaeological field work. Conversely, lack of information about the location of resources, if any, makes it difficult to propose and agree upon a specific location for archaeological investigations. Given the need to establish mutual assurance of cooperation, we hereby commit to the following: (1) To update you monthly (or more frequently as appropriate) concerning construction timing and the location of construction activities on the western portion of the site; (2) To provide you with all existing studies and data prepared for us as part of our environmental impact assessments, particularly boring logs, other soils data and groundwater monitoring/modeling; (3) To provide access to the site for you and other archaeological investigators for preliminary and in-depth field investigations in a mutually agreeable manner, but one which satisfies the scientific requirements of this investigation; (4) To assist you in adjusting to the maximum practicable extent the location of in-depth field investigations on the western portion of the site, responding to the suspected location of resources. As we have agreed, the investigations would occur east of the western tower foundation and would take place over a two week period.
6. The actual conduct of the archaeological field investigations may by necessity require the provision of certain facilities and services, such as lighting and electricity, water and water disposal, the use of cranes or similar equipment for photogrammetry, heating and shelter in inclement weather, and so forth. These facilities and services would pose difficulties and delays for the archaeological

Mr. Stephen Mrozowski
November 7, 1984
Page Three

team, were they responsible for their provision. Therefore, New England Life/Gerald D. Hines Interests, acting through their construction contractor, will take responsibility for the mutually satisfactory provision for such facilities and services.

We are fully committed to a cooperative and mutually satisfactory relationship with you in the conduct of this project, and we are prepared to work with you in setting a standard for such relationships between public and private entities in the future. Furthermore, we are prepared to cooperate with you and other educational institutions in the area to seek a high level of public information and education as a result of this work. This commitment includes preparation of interpretive materials for public education.

An important aspect of the success of this project will be the degree to which its costs are underwritten, allowing project scientists to conduct the investigations to the full extent of their abilities. New England Life and the Gerald D. Hines Interests are prepared to offer substantial support to the most critical elements of this investigation. This support will take the following forms:

- o A research grant to cover the costs of a reconnaissance study including preparation of a report and a detailed scope of work for subsequent phases of the project, satisfactory to the MHC and the City Archaeologist.
- o A research grant to cover the costs of the field investigations, report preparations and those analyses determined necessary and appropriate by the MHC, City Archaeologist, and project scientists in consultation with Gerald D. Hines Interests and New England Life.

We would expect that any further studies would be undertaken at the initiative of and with the support of sponsoring institutions, such as the University of Massachusetts or private business concerns. We are prepared to make substantial efforts toward identifying and recruiting public and private-sector sponsors for this project.

Of immediate concern is the definition of a detailed scope of services for the archaeological investigations satisfactory to the Environment Department, the Massachusetts Historical Commission, and your senior scientific advisors. We are convinced that Steve Mrozowski, as proposed Project Manager, should initiate and coordinate the preparation of the Scope of Archaeological Services, and we are prepared to be actively

Mr. Stephen Mrozowski
November 7, 1984
Page Four

DRAFT

involved in this effort, as appropriate. It is our understanding that completion of these interdisciplinary studies will constitute a satisfactory review of archaeological resources consistent with Chapter 152 of the Acts of 1982. We hope this important effort will commence immediately with the initiation of reconnaissance study.

Please contact us if you have any questions concerning this proposal.
Thank you for your consideration in this matter.

Sincerely,

Kenneth S. Moczulski
Gerald D. Hines Interests

Michael H. Harrity
New England Mutual Life Insurance Co.,
by Copley Real Estate Advisors, Inc.
Asset Manager and Advisor Hereunto
Duly Authorized

3105A:102-105/mf



AIR POLLUTION CONTROL COMMISSION
DECISION TO APPROVE APPLICATION

City of Boston
The Environment
Department

New England Mutual Life Insurance Company
Gerald D. Hines Interests, Inc.
C/O Gerald D. Hines Interests
462 Boylston Street
Boston, MA 02116

Boston City Hall/Room 813
Boston, Massachusetts 02201
617/725-4416 or 725-3850

SITE LOCATION: 500 Boylston Street, Boston

NO. OF SPACES: Freeze (Commercial): 625
Exempt (Employee): 375
TOTAL CAPACITY: 1,000

Gentlemen:

This is the Commission's decision, in accordance with the City of Boston Procedures and Criteria for Issuance of Parking Freeze Permits, as to your application for a permit at the above address.

Based upon the criteria set forth in Section E of the City of Boston Procedures and Criteria and full consideration of all facts contained in your application and the information developed in the joint staff report and at the Commission's public hearing and meetings, the Commission has found that the parking facility does not meet all the criteria in Section E of the City of Boston Procedures and Criteria. Accordingly, the Commission voted to approve an interim Parking Freeze Permit, approving only the concept of a 1,000 space garage subject to the conditions set forth in the enclosed permit.

In addition, you are hereby notified that the final permit shall be subject to additional conditions as determined by the Commission after further consideration of your application. The Commission's decision to approve an interim Parking Freeze Permit for a 1,000 space garage was to allow the design of your project to continue.

Very truly yours,

Geoffrey M. Boehm
Executive Director
Air Pollution Control Commission



City of Boston
The Environment
Department

Boston City Hall/Room 813
Boston, Massachusetts 02201
617/725-4416 or 725-3850

AIR POLLUTION CONTROL COMMISSION
PARKING FREEZE PERMIT

NO: 84-500

Page 1 of (2)

TO: New England Mutual Life
Insurance Company
Gerald D. Hines Interests, Inc.
c/o Gerald D. Hines Interests
462 Boylston Street
Boston, MA 02116

SITE LOCATION: 500 Boylston Street, Boston

Freeze (Commercial): 625
Exempt (Employee): 375
TOTAL CAPACITY: 1,000 spaces

NO. OF SPACES: _____

EFFECTIVE DATES: FROM 8/7/84 TO 12/31/85

This permit is issued pursuant to the authority contained in Section 31C of Chapter 111 of the General Laws of the Commonwealth Of Massachusetts, and the the City of Boston Procedures and Criteria for Issuance of Parking Freeze Permits.

The Commission has determined that the subject facility as presently planned does not meet the City of Boston Criteria for Issuance of Parking Freeze Permits. However, in order to allow the design of your project to continue, the Commission has approved the concept of a 1000 space garage and the issuance of an interim Permit for same subject to the conditions set forth below.

This permit may be revoked by vote of the Commission due to violation of any of the conditions contained herein, or the City of Boston Procedures and Criteria for Issuance of Parking Freeze Permits.

This permit shall be prominently displayed on the premises.

CONDITIONS

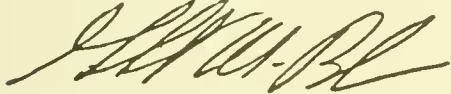
1. The permittee shall comply with all applicable laws and regulations of the City of Boston, Commonwealth of Massachusetts, and the City of Boston Procedures and Criteria for Issuance of Parking Freeze Permits.

2. The permittee shall, within one year of the date of issuance of this permit, apply to the City of Boston Building Department for all necessary building, occupancy, or change of use permits.
3. Any construction or modification of this facility shall be carried out in accordance with the site plan and design submitted with the application, except as may be modified herein.
4. The permittee shall submit to the Commission any material change in said plan or design, and the permittee shall not undertake any such construction or modification unless and until approved by the Commission.
5. This permit shall not be transferred or assigned without prior approval of the Commission.
6. This permit is limited to the assigned number of spaces stated and their respective use.
7. Prior to the expiration of this permit, the permittee shall conduct public hearings jointly with this Commission and the Boston Redevelopment Authority before interested groups including but not limited to the St. James Avenue Civic Advisory Committee, Tent City Corporation, and the South End Historical Society. Said hearings shall be held to discuss unresolved issues within the Commission's joint staff report dated June 28, 1984, permittee's letter dated August 3, 1984, and neighborhood concerns pertaining to this garage and its use.
8. At the applicant's request, conditions regarding the specific usage for the commercial parking spaces are unspecified at this time, pending further consideration by the Commission.

ISSUED BY VOTE OF THE COMMISSION

DATE OF ISSUANCE: AUGUST 7, 1984

FOR THE COMMISSION,



GEOFFREY M. BOEHM
EXECUTIVE DIRECTOR
AIR POLLUTION CONTROL COMMISSION

GMB/vn

LETTER 6

Air Pollution Control Commission
The Environmental Department
City of Boston
November 21, 1984

This letter contains no sewer issue comments for response. See Letter 1, Comment 1.9 on page V-6.

VI Measures to Mitigate Adverse Effects

This chapter summarizes the mitigation measures proposed in the Draft and Final EIRs to minimize the potential adverse effects of the 500 Boylston Street Project on the surrounding sewer system.

Sewer System

- o Utilize water conservation devices for the reduction of sanitary wastewater discharge from the proposed development.
- o Implement construction-related mitigation measures: (1) performance criteria for lateral earth support system for below-grade excavation; (2) maintenance of groundwater at or above preconstruction elevation; (3) monitoring of groundwater and ground movement during construction; and (4) planning for prompt response to potentially adverse effects.

Environmental Notification Form

The ENF, included on the following pages, was filed with the MEPA Unit of the Massachusetts Executive Office of Environmental Affairs and noticed in the Environmental Monitor on June 6, 1984. Appendix 2 presents the Secretary of Environmental Affairs' findings on the ENF.

**APPENDIX A
COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS**

ENVIRONMENTAL NOTIFICATION FORM

I. SUMMARY

A. Project Identification

1. Project Name 500 Boylston Street

2. Project Proponent A joint venture of New England Mutual Life Insurance Company and Gerald D. Hines

Interests, Inc., 535 Boylston Street, Boston, MA 02116

B. Project Description: (City/Town(s)) Boston

1. Location within city/town or street address Parcel bounded by Clarendon, Boylston, and Berkeley Streets and St. James Avenue.

2. Est. Commencement Date: 1st Quarter 1985 Est. Completion Date: 1st Quarter 1989

Approx. Cost \$ \$288 million Current Status of Project Design: 30 % Complete

C. Narrative Summary of Project

The 500 Boylston Street project will establish an active mixed-use development consisting of offices, general retail stores, restaurants, other commercial uses, pedestrian plazas and walkways, and a below-grade garage. In the heart of Boston's Back Bay, the 3.15-acre parcel on which the proposed project will be sited is bordered by St. James Avenue and Clarendon, Boylston, and Berkeley Streets. New England Mutual Life Insurance Company and Gerald D. Hines Interests, Inc. (together referred to as the Joint Venture) are the proposed developer.

The overall design and program of uses submitted for MEPA review have been subject to an extensive public participation process. In November 1982, the Boston Redevelopment Authority (BRA) authorized an advertisement for development interest in the St. James Garage site. The Joint Venture was the only developer to respond with a proposal. The BRA subsequently invited local residents as well as business and cultural leaders to participate in the review of the development proposal through the St. James Civic Advisory Committee (CAC). A list of the membership of this CAC is presented in Attachment 1. Over the year, this CAC, representing the Back Bay and the South End, worked closely with the Joint Venture. This process resulted in design modifications by the developers. On December 8, 1983, following the determination that the proposal met the BRA's and CAC's initial guidelines, the BRA tentatively designated the Joint Venture as developer of the St. James Garage site.

Presently, the site consists of office and retail uses, primarily fronting on Boylston Street between Berkeley and Clarendon; a portion of Providence Street; and the city-owned, 625-car St. James Garage. New England Life owns the buildings on the south side of Boylston Street and will acquire the St. James Garage and adjacent Providence Street in order to implement the full-block master plan for the site. This plan will enable the corporate expansion of New England Life to occur across the street from its present headquarters.

The proposed project will include:

- | | |
|---------------------------------------|-------------------------|
| o Retail uses (including restaurants) | + 100,000 square feet |
| o Office uses | + 1,200,000 square feet |
| | + 1,300,000 square feet |
| o Subsurface parking (on site) | + 1,000 spaces |

Copies of this may be obtained from:

Name: Rebecca Packard Firm/Agency: Skidmore, Owings & Merrill

Address: 334 Boylston Street, Boston, MA 02116 Phone No. (617) 247-1070

The 1.2 million square feet of office space will be primarily located in two towers, rising 19 stories above a 6-story base (maximum project height is 25 stories). The towers are situated to the rear of the site along the St. James Avenue boundary. Portions of the office use are also located in the upper floors of this 6-story base structure. Approximately 100,000 square feet of retail/commercial use will be contained in the first two levels of the 6-story structure. Approximately 1,000 on-site parking spaces will be provided below grade, of which 625 spaces will be designated for public use. Service and parking entrance and exit to the site will be from St. James Avenue, Berkeley Street, and Clarendon Street. Pedestrian open areas will include the sidewalk and two open plazas on Boylston Street. These plazas will be lined with active retail uses and will provide an open plaza entry to portions of the office structure.

The Joint Venture has already initiated a number of environmental studies as part of the public review process established with the CAC. To date, this work has included wind tunnel, transportation and parking, and geotechnical studies in order to identify potential project impacts.

The project is categorically included under Class D(s) of Appendix C of the MEPA Regulations. The only State permits required for the project are sewer permits from the DWPC and MDC. In accordance with the MEPA statute, M.G.L. c. 30, Sections 61-62H, which provides at Section 62A that the scope of an EIR is "limited to that part of the project which is within the subject matter jurisdiction of the [State] permit," the scope of the EIR for the project will be limited to a discussion of sewer impacts. The proponent has agreed to prepare a broadly scoped environmental impact review discussing the impacts of the project on wind, shadow, transportation, air quality, and historical, archaeological and geotechnical/sewerage resources which will be subjected to critical review by the BRA and the CAC, which represents major Back Bay and South End neighborhood and business groups. A summary of the studies to be conducted in connection with the proposed environmental impact review is attached hereto as Attachment 2. The proponent requests a waiver of the requirement of filing an EIR for the project on the basis that the studies to be conducted by the proponent for the BRA and the CAC will serve to minimize damage to the environment from the project to a greater extent than could be achieved by any agency after preparation of an EIR on sewerage impacts.

This project is one which is categorically included and therefore automatically requires preparation of an Environmental Impact Report: YES X NO

D. Scoping (Complete Sections II and III first, before completing this section.)

1. Check those areas which would be important to examine in the event that an EIR is required for this project. This information is important so that significant areas of concern can be identified as early as possible, in order to expedite analysis and review.

	Construc- tion Impacts	Long Term Impacts		Construc- tion Impacts	Long Term Impacts
Open Space & Recreation	_____	_____	Mineral Resources	_____	_____
Historical	_____	X	Energy Use	_____	X
Archaeological	_____	X	Water Supply & Use	_____	X
Fisheries & Wildlife	_____	_____	Water Pollution	_____	_____
Vegetation, Trees	_____	_____	Air Pollution	X	X
Other Biological Systems	_____	_____	Noise	X	X
Inland Wetlands	_____	_____	Traffic	_____	X
Coastal Wetlands or Beaches	_____	_____	Solid Waste	X	X
Flood Hazard Areas	_____	_____	Aesthetics	_____	X
Chemicals, Hazardous Substances,	_____	_____	Wind and Shadow	_____	X
High Risk Operations	X	_____	Growth Impacts	_____	X
Geologically Unstable Areas	X	_____	Community/Housing and the Built	_____	_____
Agricultural Land	_____	_____	Environment	_____	X
Other (Specify)	_____	_____		_____	_____

2. List the alternatives which you would consider to be feasible in the event an EIR is required.

A "No Build" alternative, continuing the existing use, will be included as a base for comparing project impacts.

E. Has this project been filed with EOE A before? Yes _____ No X

If Yes, EOE A No. _____ EOE A Action? _____

F. Does this project fall under the jurisdiction of NEPA? Yes _____ No X

If Yes, which Federal Agency? _____ NEPA Status? _____

G. List the State or Federal agencies from which permits will be sought:

Agency Name

Type of Permit

Mass. Department of Environmental
Quality Engineering

Sewer Extension Permit (Ch. 21, S.43)

Mass. Historical Commission

Determination of Effect to Historic Properties.¹

Metropolitan District Commission

Industrial User Discharge Permit (MGL Ch.92, S1-8A).

¹Although this determination will be required for the project, it is the view of the proponent and EOE A that such determination does not constitute a state permit under MEPA.

H. Will an Order of Conditions be required under the provisions of the Wetlands Protection Act (Chap. 131, Section 40)?

Yes _____ No X

DEQE File No., if applicable: _____

I. List the agencies from which the proponent will seek financial assistance for this project:

Agency Name

Funding Amount

None.

II. PROJECT DESCRIPTION

A. Include an original 8½ x 11 inch or larger section of the most recent U.S.G.S. 1:24,000 scale topographic map with the project area location and boundaries clearly shown. Include multiple maps if necessary for large projects. Include other maps, diagrams or aerial photos if the project cannot be clearly shown at U.S.G.S. scale. If available, attach a plan sketch of the proposed project. (Attached)

B. State total area of project: 137,074 square feet (+ 3.15 acres)

Estimate the number of acres (to the nearest 1/10 acre) directly affected that are currently:

1. Developed 3.15 acres

4. Floodplain _____ acres

2. Open Space/Woodlands/Recreation _____ acres

5. Coastal Area _____ acres

3. Wetlands _____ acres

6. Productive Resources

Agriculture _____ acres

Forestry _____ acres

Mineral Products _____ acres

C. Provide the following dimensions, if applicable:

Length in miles _____

Number of Housing Units _____

Number of Stories 6 to 25

Number of Parking Spaces³... (on-site)..... 625

Existing² Immediate Increase Due to Project²

Vehicle Trips to Project Site (average daily traffic)..... 1,700

Estimated Vehicle Trips past project site..... _____

Clarendon Street 10,000

1,000

Boylston Street 18,900

500

Berkeley Street 19,400

600

St. James Avenue 11,900

1,800

For footnotes 2, 3, and 4 see following page.

D. If the proposed project will require any permit for access to local or state highways, please attach a sketch showing the location of the proposed driveway(s) in relation to the highway and to the general development plan; identifying all local and state highways abutting the development site; and indicating the number of lanes, pavement width, median strips and adjacent driveways on each abutting highway; and indicating the distance to the nearest intersection. (Not applicable)

II.C. (cont'd)

Footnotes

- 2 Based on "Transportation Impact Study, Proposed St. James Development, Boston, Massachusetts." Prepared for New England Life/Gerald D. Hines Interests. Vanasse/Hangen Associates, Inc., Boston, MA, June 1983.
- 3 The project proponents are analyzing various alternatives for expanding the capacity of the National Garage on Dartmouth Street near Columbus Avenue. The garage, controlled by New England Life, currently contains approximately 520 spaces. Up to 300 additional stalls could be provided if approved by the City of Boston and if study findings indicate it is feasible to recondition, modernize, and/or expand this facility. During construction, these spaces would be available for public monthly parking and afterwards for tenant parking. As a consequence, the short-term loss of the St. James Garage spaces would be eased.
- 4 To estimate future travel characteristics, person trip rates and mode splits were derived from recent local traffic studies and neighboring insurance companies' transportation surveys. From this information, transportation mode splits were identified for work and non-work trips to the office and retail components of the project. These mode-split percentages are shown below.

<u>Trip Distribution:</u>			
USE	VEHICLE (Autos/Carpools)	TRANSIT	WALKING
<hr/>			
OFFICE			
Work	37%	56%	7%
Non-Work	45%	40%	15%
RETAIL			
Work	30%	60%	10%
Non-Work	40%	20%	40%

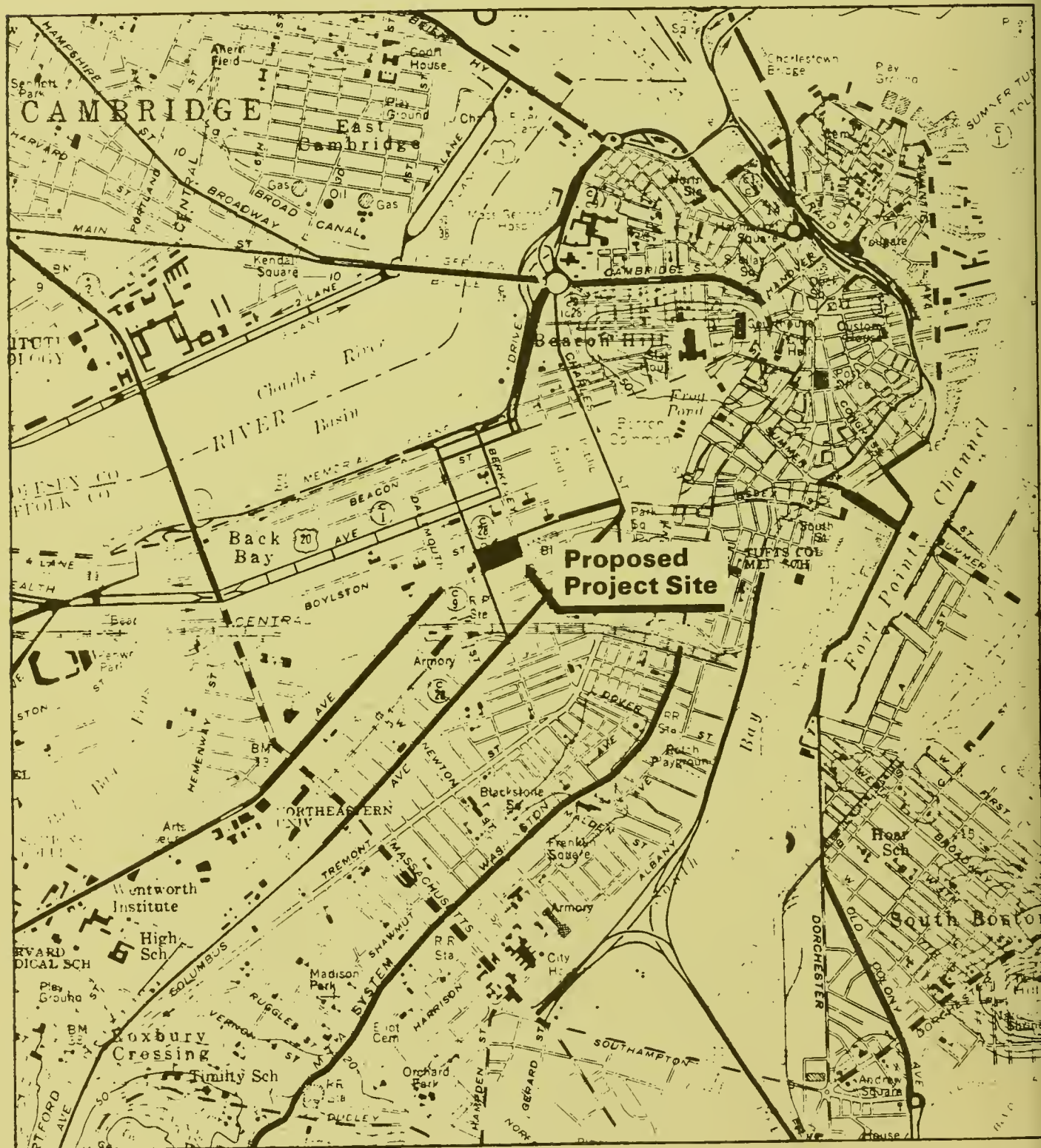
At full development, the project site will generate 3,340 new vehicle trips on an average weekday, with 1,670 vehicle trips each entering and exiting the site. During the AM peak hour, 577 new vehicle trips are expected and during the PM peak, 659 new vehicle trips are expected.

Based on area roadway patterns, the distribution of new vehicle trips to and from the site is expected to generally occur as follows:

- o To and from the north - 16%
- o To and from the south - 20%
- o To and from the east - 24%
- o To and from the west - 40%

Locus Map

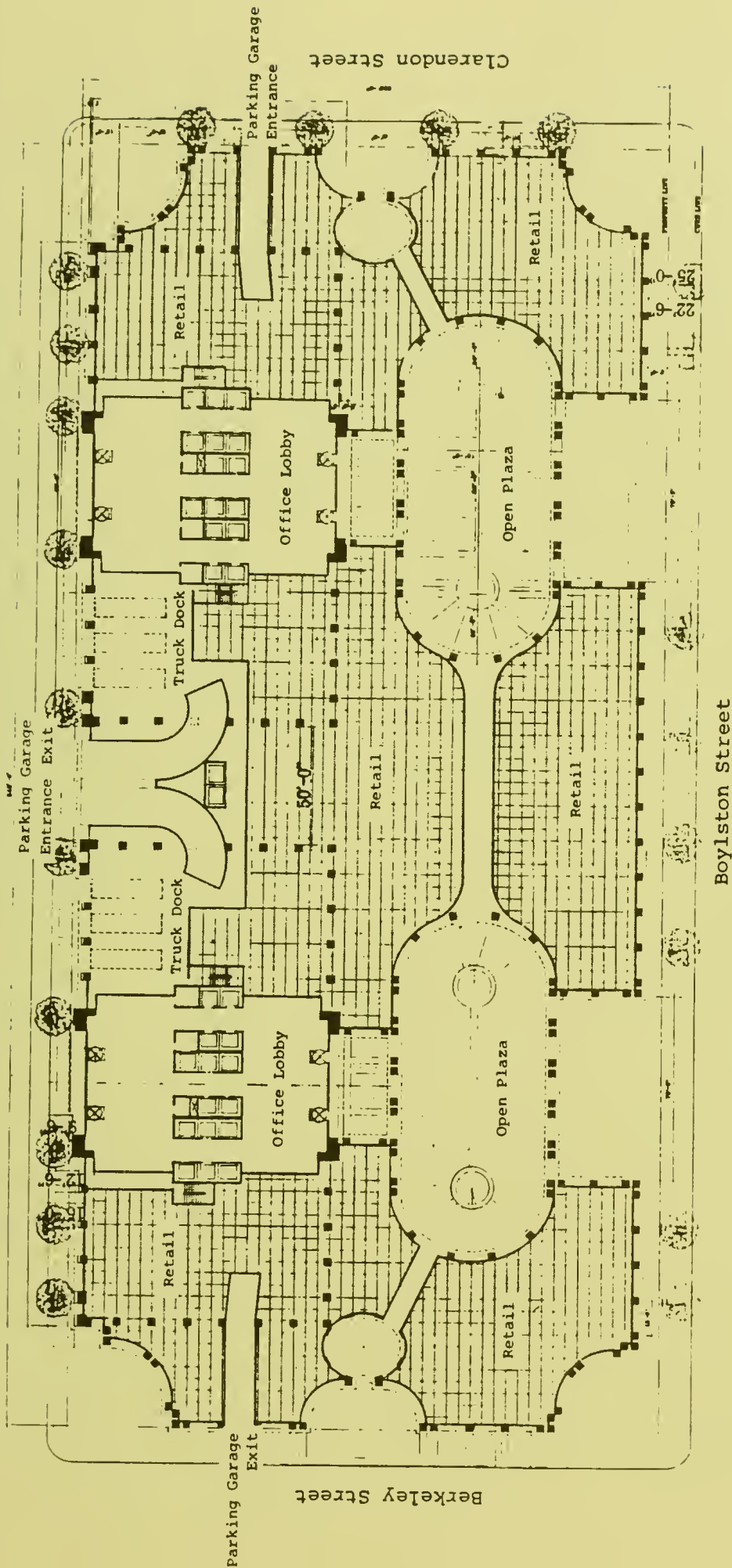
500 Boylston Street Boston, Massachusetts



Scale 1:24,000

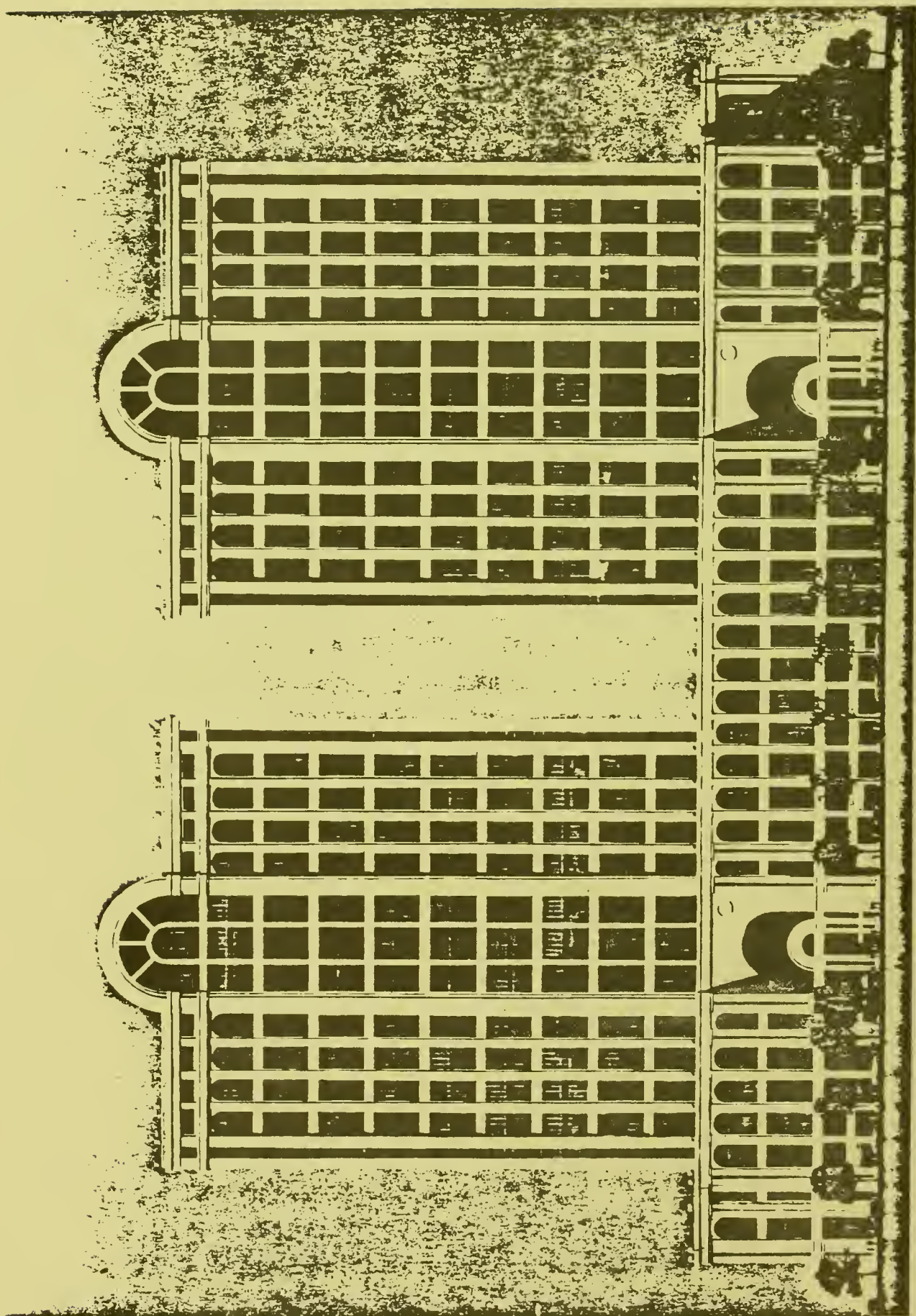
(Parcel is bounded by Clarendon, Boylston, and Berkeley Streets and St. James Avenue)

St. James Avenue



Ground Floor Plan

A New England Life/Gerald D. Hines Project
John Burgee Architects with Philip Johnson



III. ASSESSMENT OF POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS

Unless otherwise stated, the following information is based on technical analyses conducted by Skidmore, Owings, & Merrill; Vanasse/Hangen Associates, Inc.; the Wright Brothers Facility of the Massachusetts Institute of Technology; Haley & Aldrich Inc.; and LeMessurier Associates/SCI.

A. Open Space and Recreation

1. Might the project affect the condition, use or access to any open space and/or recreation area? Yes _____ No X

The existing 26,400 square feet of pedestrian open space will be more than doubled by the proposed project. The development's open areas include a pedestrian walkway and two plazas on Boylston Street, widened walkways on Clarendon Streets and St. James Avenue, and perimeter landscaping around the entire block. Nearby open space/recreation areas include Copley Square, the Public Garden, the linear park down Commonwealth Avenue, and a "tot lot" on the corner of Commonwealth Avenue and Clarendon Street. While the tot lot may have some additional shadow cast on it for 45 minutes during a 30-day period primarily in December, no significant adverse effects are expected on the lot or other nearby open spaces.

B. Historic Resources

1. Might any site or structure of historic significance be affected by the project? Yes X No _____

Explanation and Source:

The proposed project site contains no historically significant structures. However, one-half of the site, from Boylston Street to Providence Street, falls within the Back Bay Historic District, as listed in the National Register. Nearby individual National Register historic properties, some of which are also designated by the Boston Landmarks Commission, include Trinity Church, the Boston Public Library, Old South Church, Trinity Rectory, First Baptist Church, Arlington Street Church, Commonwealth Avenue Mall, and Crownshield House. The design of the proposed complex was developed with an awareness of the historic location and with particular attention to the view of Trinity Church and the Boston Public Library. The proposed office towers, therefore, are set back substantially on the site, and the six-story platform structure fronting Boylston Street relates to the scale of the area and takes into account pedestrian vistas. The complex also presents cornice lines and materials in keeping with surrounding buildings and a broken facade to preserve retail identity.

2. Might any archaeological site be affected by the project? Yes X No _____

Explanation and Source:

The city and state archaeologists believe that the Boylston Street Fishweir, portions of which were discovered during the excavations for the existing New England Mutual Life Building and the original John Hancock Building, will also be present in the marine deposits of the proposed project site. With the cooperation of New England Life, a detailed archaeological field investigation was conducted during the 1936 excavation for the headquarters at 501 Boylston Street. Data analyzed for this study suggested that the weir was at least 6,000 years old and indicated technical sophistication not usually attributed to aborigines of that period. Discussions are underway with the City of Boston archaeologist to ascertain the likelihood of intact portions being in existence on the project site, in view of extensive site development during the 1950s, and to determine how to proceed.

C. Ecological Effects

1. Might the project significantly affect fisheries or wildlife, especially any rare or endangered species? Yes _____ No X

Explanation and Source:

The project site, currently occupied by commercial buildings and a parking garage, is located within a densely developed urban area supporting no fisheries, wildlife, or endangered species.

2. Might the project significantly affect vegetation, especially any rare or endangered species of plant? Yes _____ No X

(Estimate approximate number of mature trees to be removed: _____)

Explanation and Source:

The project site contains no significant vegetation. Although project development will cause some dust during construction, the impact on vegetation will be minor and temporary.

3. Might the project alter or affect flood hazard areas, inland or coastal wetlands (e.g., estuaries, marshes, sand dunes and beaches, ponds, streams, rivers, fish runs, or shellfish beds)? Yes _____ No X

Explanation and Source:

According to the Federal Emergency Management Agency Flood Insurance Rate Map (Community-Panel #250286 0010C, April 1, 1982), the project area is not within a flood-hazard zone. No inland or coastal wetlands exist within the site vicinity.

4. Might the project affect shoreline erosion or accretion at the project site, downstream or in nearby coastal areas? Yes _____ No X

Explanation and Source:

The project site is not in the immediate vicinity of any shoreline or coastal area.

5. Might the project involve other geologically unstable areas? Yes X No _____

Haley and Aldrich Inc. has provided preliminary information⁵ on the geotechnical aspects of the proposed project based on subsoil and groundwater studies carried out over the past fifty years in the Back Bay. The general soil profile of the area from the ground surface downward includes: miscellaneous man-placed fill, organic deposits, outwash deposits, marine deposits, glacial till, and bedrock. Groundwater levels are normally in the range of El. 5 to 8. Available test boring information indicates that soil and groundwater conditions at the site are typical of the area, though it appears that the outwash sand stratum is not present between the organic deposits and the marine clay. It is anticipated that a lateral earth support system consisting of internally braced steel sheet piling and/or slurry walls will be used for the proposed project. This type of braced earth support system and appropriate construction procedures, as used at many other sites in Boston, should prevent significant ground movement or other adverse effects.⁶

For footnotes 5 and 6 see following page.

D. Hazardous Substances

1. Might the project involve the use, transportation, storage, release, or disposal of potentially hazardous substances?

Yes X No _____

Project construction (but not subsequent operation) will require the use of potentially hazardous materials including oil-based substances for equipment maintenance and entrainment fluids for use in concrete mixing as per construction practices. Currently it is not known if asbestos is present in any of the buildings slated for demolition. If asbestos is found following site inspection, a removal plan will be formulated in accordance with approved practices and applicable regulations. The project includes only nonindustrial commercial development (offices, stores, and parking) in which potentially hazardous substances will not be used other than normal fuel storage in automobiles in the garage and in the project's emergency generator.

III.C.5. (cont'd)

Footnotes

- 5 See "Preliminary Report on Geotechnical Aspects of Foundation Construction, Proposed NEML/Gerald D. Hines Development, Boylston and Clarendon Streets, Boston, Mass." Haley and Aldrich, Inc., Cambridge, MA, May 1983.
- 6 LeMessurier Associates, structural and foundation consultants, also reviewed potential construction procedures for this site and concluded that the proposed 500 Boylston Street building can be built without jeopardizing adjoining sites. They have demonstrated that requirements of deep excavation, control of groundwater, lateral support of adjoining areas, and the driving of long piles have been successfully satisfied in other projects subject to more difficult circumstances. (Source: Correspondence, William J. LeMessurier, LeMessurier Associates, to E. Staman Ogilvie, Gerald D. Hines Interests, May 18, 1983.)

E. Resource Conservation and Use

1. Might the project affect or eliminate land suitable for agricultural or forestry production?

Yes _____ No X

(Describe any present agricultural land use and farm units affected.)

Explanation and Source:

The project site is located within a densely-developed urban area supporting neither agricultural nor forestry production. The site is not suitable for agricultural use.

2. Might the project directly affect the potential use or extraction of mineral or energy resources (e.g., oil, coal, sand & gravel, ores)? Yes _____ No X

Explanation and Source:

No mineral or energy resources are known to exist on site.

3. Might the operation of the project result in any increased consumption of energy? Yes X No _____

The proposed project will result in increased energy consumption. Arrangements with the electrical power utility, Boston Edison, will be made to insure the supply of sufficient power and that existing equipment is compatible with the development. Building design standards for insulation and other energy-related features will ensure efficient energy use. Construction will meet all applicable codes, including requirements of Article 20 (Energy) of the Massachusetts State Building Code.

F. Water Quality and Quantity

1. Might the project result in significant changes in drainage patterns? Yes _____ No X

Explanation and Source:

The project area is entirely impervious and drains into the city's stormwater system. The proposed structures will not significantly alter this pattern.

2. Might the project result in the introduction of pollutants into any of the following:

(a) Marine Waters	Yes _____	No <u>X</u>
(b) Surface Fresh Water Body	Yes _____	No <u>X</u>
(c) Ground Water	Yes _____	No <u>X</u>

Explain types and quantities of pollutants.

No pollutants.

3. Will the project generate sanitary sewage? Yes X No _____

If Yes, Quantity: 115,000 gallons per day ⁷

Disposal by: (a) Onsite septic systems Yes _____ No X
 (b) Public sewerage systems Yes X No _____
 (c) Other means (describe) _____

⁷ Based on sewage flow estimates listed in DEQE 310 CMR 15.02 (State Environmental Code, Title 5).

4. Might the project result in an increase in paved or impervious surface over an aquifer recognized as an important present or future source of water supply? Yes _____ No X

Explanation and Source:

The aquifer underlying Boston is not recognized as an important present or future source of water supply.

5. Is the project in the watershed of any surface water body used as a drinking water supply?

Yes _____ No X

Are there any public or private drinking water wells within a 1/2-mile radius of the proposed project?

Yes _____ No X

Explanation and Source:

According to the Boston Water and Sewer Commission, there are no known water supplies as described above. Drinking water is supplied via the Boston water distribution system, which is served by the Metropolitan District Commission.

6. Might the operation of the project result in any increased consumption of water? Yes X No _____

Approximate consumption 132,250⁸ gallons per day. Likely water source(s) Boston Water and Sewer Commission

⁸ Based on sewage flow estimates listed in DEQE 310 CMR 15.02 (State Environmental Code, Title 5), plus 15%.

7. Does the project involve any dredging? Yes _____ No X

If Yes, indicate:

Quantity of material to be dredged _____

Quality of material to be dredged _____

Proposed method of dredging _____

Proposed disposal sites _____

Proposed season of year for dredging _____

Explanation and Source:

G. Air Quality

1. Might the project affect the air quality in the project area or the immediately adjacent area? Yes X No _____

Describe type and source of any pollution emission from the project site. _____

Some air pollution will be generated by the project. Increased numbers of vehicles visiting the site and using the underground parking garage will contribute to air pollution in the area. Emission vents for the garage will be located to minimize any adverse environmental impacts related to pedestrian areas or air intakes for nearby buildings. Short-term air quality impacts from fugitive dust will occur during construction. In addition, there is the possibility that asbestos exists in some of the buildings slated for demolition. If further research indicates asbestos, a removal plan will be formulated and there will be compliance with all applicable DEQE regulations.

2. Are there any sensitive receptors (e.g., hospitals, schools, residential areas) which would be affected by any pollution emissions caused by the project, including construction dust? Yes X No _____

Explanation and Source:

Sensitive receptors in the area include public and pedestrian spaces at nearby intersections, such as Copley Square, and adjacent building air intakes.

3. Will access to the project area be primarily by automobile? Yes _____ No X

Describe any special provisions now planned for pedestrian access, carpooling, buses and other mass transit.

According to Vanasse/Bangen's recent study of the proposed project's transportation impacts,⁹ the majority (60 percent) of new person-trips to the site will be by transit or by walking. The remaining 40 percent of the daily trips will be by personal car, carpool/vanpool, or taxi.

Public transit service to the area currently consists of express buses, commuter rail to the Back Bay Station, and light rail rapid transit (the Green Line). The relocation of the Orange Line to the Back Bay Station will make this station a major regional transportation hub. Furthermore, the expanded capacities of the Orange and Green Lines in the future are expected to result in a transit capacity surplus for the Back Bay, fostering mode shifts to transit from private vehicles. In addition, New England Life will continue to operate its vanpool program.

⁹ Transportation Impact Study, Proposed St. James Development, Boston, Massachusetts. Prepared for New England Life/Gerald D. Bines Interests. Vanasse/Bangen Associates, Inc., Boston, MA, June 1983.

H. Noise

1. Might the project result in the generation of noise? Yes X No _____

Noise will be generated during the demolition/construction phase, over the short-term. All demolition/construction practices will be in compliance with 310 CMR 7.10, to minimize adverse noise impacts. Long-term noise effects will result from increased vehicular activity at the site after its completion.

2. Are there any sensitive receptors (e.g., hospitals, schools, residential areas) which would be affected by any noise caused by the project? Yes X No _____

Explanation and Source:

Sensitive receptors in the area include Trinity Church, pedestrian walkways, public open areas, such as Copley Square, and adjacent buildings.

I. Solid Waste

1. Might the project generate solid waste? Yes X No

Explanation and Source:

The project will generate approximately 9,000 tons of solid waste per year.¹⁰ Types of waste will include paper goods, food service wastes, bottles, cans, and boxes and cartons. Disposal of this waste will be handled through a contract disposal service. Construction debris disposal will be the responsibility of the developer and contractors.

¹⁰ Based on general standards derived from A Primer on Industrial Environment Impact, Michael R. Greenberg, et. al., Rutgers Center for Urban Policy Research, 1979, and checked with DEQE.

J. Aesthetics

1. Might the project cause a change in the visual character of the project area or its environs? Yes X No

The proposed project will alter the visual character of the project area. Presently, office and retail uses are contained within several low-rise structures primarily fronting on Boylston Street, and parking is provided within a deteriorating parking garage on St. James Avenue. The development proposal will continue this mixture of uses, but replace the existing buildings with an integrated, mixed-use development based on a comprehensive master plan for the entire block. This development will consist of a six-story structure, covering the entire project site, with twin office towers set back along St. James Avenue. In keeping with the pedestrian character of this area, wide sidewalks and two plazas will be provided along Boylston Street. The proposed office towers are set back on the site, and the six-story retail/office platform structure relates to the scale of the area and takes into account pedestrian vistas. The project's cornice lines and materials are in keeping with surrounding buildings, and the broken facade preserves retail identity. The public participation process, established for this project with the Civic Advisory Committee, initially focused on the review of the overall design concept and resulted in design modifications. The second phase of this participation process is primarily concerned with design details of the proposed project.

2. Are there any proposed structures which might be considered incompatible with existing adjacent structures in the vicinity in terms of size, physical proportion and scale, or significant differences in land use? Yes No X

Please see Section III.J.1 above.

3. Might the project impair visual access to waterfront or other scenic areas? Yes No X

The proposed development will not impair visual access to any waterfront or scenic amenities.

K. Wind and Shadow

1. Might the project cause wind and shadow impacts on adjacent properties? Yes X No

Wind tunnel studies were performed by the Wright Brothers Wind Tunnel Laboratory at the Massachusetts Institute of Technology.¹¹ Results of the studies suggest the proposed complex will reduce pedestrian-level winds both at the site and in the surrounding blocks. Reduction of high winds was particularly noticeable around the John Hancock Tower and Trinity Church in the model tested.

Initial shadow studies have been completed and indicate that impacts on Boylston and Newbury Streets are minimal and appear acceptable. Subsequent studies have indicated that the "tot lot," on the corner of Commonwealth Avenue and Clarendon Street, may have some additional shadow cast on it for about 45 minutes prior to 11:00 am during a 30-day period primarily in December. Further studies of wind and shadow impacts will be conducted prior to design completion.

¹¹ "A Wind Tunnel Study of Pedestrian Level Winds at the Proposed New England life Building." Tito A. Rodriguez and Frank B. Durgin, Wright Brothers Facility, Department of Aeronautics and Astronautics, Massachusetts Institute of Technology, Cambridge, MA, May 1983.

IV. CONSISTENCY WITH PRESENT PLANNING

A. Describe any known conflicts or inconsistencies with current federal, state and local land use, transportation, open space, recreation and environmental plans and policies. Consult with local or regional planning authorities where appropriate.

The Joint Venture planned the project's use program and overall design in response to a BRA advertisement for developers of the St. James Garage site. There has been ongoing public participation in the formulation of the Joint Venture's design program. As part of the proposal's review process, the Civic Advisory Committee (CAC) was created by the BRA to represent the interests/concerns of the Back Bay and adjoining South End community. It includes representatives from the Back Bay Architectural Commission, Back Bay Association, Back Bay Federation, Boston Society of Architects, Ellis Neighborhood Association, Neighborhood Association of the Back Bay, Newbury Street League, Trinity Church, and the State Representative from the 8th Suffolk District.

The BRA determined that the Joint Venture's proposal met their initial guideline (BRA Memorandum, December 8, 1983). As stated by the BRA, "their proposal will greatly benefit the City, and is consistent with the overall development guidelines." The CAC, following direct review and consultation with the proponents, has provided their unanimous approval subject to the "Resolution of the St. James CAC of December 6, 1983." The Boston Society of Architects also commented on the project, indicating that the "removal of the Boylston Street block, in its entirety, for development is desirable." Furthermore, the project is consistent with the Back Bay Federation's Development Goals which state that "Copley Square should be refocused to act as the 'center' of Back Bay."

This development will also be subject to the City of Boston's policy on linkage between downtown development and neighborhood housing. The Joint Venture's project will assist in the city's effort to create low to moderate-income housing within city neighborhoods.

V. FINDINGS AND CERTIFICATION

A. The notice of intent to file this form has been/will be published in the following newspaper(s):

(Name) The Boston Globe (Date) May 31, 1984
The Boston Herald May 31, 1984

B. This form has been circulated to all agencies and persons as required by Appendix B.

May 31, 1984
Date

Kenneth L. Mozul
Signature of Responsible Officer
or Project Proponent

Kenneth S. Moczulski
Gerald D. Hines Interests
535 Boylston Street
Boston, MA 02116
(617) 548-4900

Name (print or type)

Address _____

Telephone Number _____

May 31, 1984

Date _____

Signature of person preparing
ENF (if different from above)

Karen Balschun
Name (print or type)

Karen B. Alschuler
Skidmore, Owings & Merrill
334 Boylston Street
Boston, MA 02116
(617) 247-1070

Address _____

Telephone Number _____

ATTACHMENT 1

ST. JAMES AVENUE

CIVIC ADVISORY COMMITTEE

MEMBERSHIP LIST

CAC MEMBER

CONTACT PERSON(S)

Back Bay Architectural Commission

David R. Johnson
Johnson Olney Associates, Inc.
75 Kneeland Street
Boston, MA 02111
482-2806

Back Bay Association

Kevin A. Cartwright
655 Boylston Street
Boston, MA 02116
266-1991

Back Bay Federation

No Representative At This Time

Boston Society of Architects

Tony Tappe
A. Anthony Tappe & Associates, Inc.
132 Lincoln Street
Boston, MA 02111
451-0200

Neighborhood Association of
the Back Bay (NABB)

Fritz Casselman
Bromberg, Sunstein & McGregor
31 Milk Street
Boston, MA 02109
426-6464

Elliott Laffer
90 Commonwealth Avenue
Boston, MA 02116
890-7220

Newbury Street League

Jon Rotenberg
561 Boylston Street
Boston, MA 02116
536-2090

The State Representative from
the 8th District

Thomas J. Vallely
House of Representatives
State House, Room 540
Boston, MA 02133
722-2090

CAC MEMBER

Trinity Church

Ellis Street Neighborhood
Association

CONTACT PERSON(S)

Rev. Spencer M. Rice
Trinity Church
Copley Square
Boston, MA 02116
536-0944

Jack Hall
14 Story Street
Cambridge, MA 02138
576-7615

Ken Gitter
52 Chandler Street
Boston, MA 02116
876-4300

ATTACHMENT 2

500 BOYLSTON STREET PROJECT: SCOPE OF ENVIRONMENTAL STUDIES

TO BE UNDERTAKEN BY THE DEVELOPER

FOR THE BOSTON REDEVELOPMENT AUTHORITY

The environmental studies will examine the impacts of the project proposed by New England Mutual Life Insurance Company and Gerald D. Hines Interests, Inc., as compared to the impacts of the no-build alternative which assumes continuation of the existing uses. In all cases where adverse impacts are anticipated or determined, mitigation measures to minimize, reduce or avoid these adverse impacts should be identified.

1. Pedestrian-Level Wind Impact (Also See Detailed Attachment)

- a. Wind tunnel testing should use a "hot wire" method of study of pedestrian and public areas (entrances, plazas) and of potential problem areas adjacent to and in the vicinity of the project site (wind influence area). Potential air flow modifications due to project elements should also be noted.
- b. Identification and testing of mitigation measures.

2. Shadow Impact

- a. This study should examine shadow impacts for 10 a.m., 12 noon, and 3 p.m. Seasonal periods of interest include:

Summer solstice	22 June
Winter solstice	22 December
Spring/Fall equinoxes	21 March or 22 September.

The study should distinguish both additional and overlapping shadows caused by the project.

3. Transportation Impacts

a. General

- o Project traffic generation (daily and peak-hour) in the project impact area. (See attached Study Area Plan.)
- o Modal split.
- o Regional distribution.

b. Vehicular Traffic

Traffic impacts should be analyzed for the site and the National Garage impact areas. This should include:

- o Circulation and access impacts on local/regional street system and local intersections.
- o Peak-hour travel demand (a.m. and p.m.).
- o Level-of-service analysis.
- o Truck service/deliveries to the project site, with particular regard to proposed loading dock configuration.

c. Parking

Parking studies of the project and National Garage should also be conducted and should entail the consideration of:

- o Parking requirements.
- o Effect on parking supply/demand distribution in area.
- o Public/private as well as short-term and commuter use of parking spaces.
- o Parking management plan.

d. Pedestrian Circulation

- o Demand/capacity analysis (pedestrian densities).
- o Connections to public transit stations/stops/terminals.
- o Effect on pedestrian flow of project's entrances and exits for parking.

e. Public Transportation

- o Usage and capacity (rapid transit, bus, commuter rail).
- o Peak-hour demand/capacity.

f. Construction Period Impacts

- o Parking requirements (workers, equipment, trucks).
- o Truck access routes.

4. Air Quality Impacts

- a. Impact on local air quality from additional traffic generated by the project.
- b. Emissions from parking garage.
- c. Construction-related impacts (demolition, site preparation, construction activities, construction traffic and equipment).

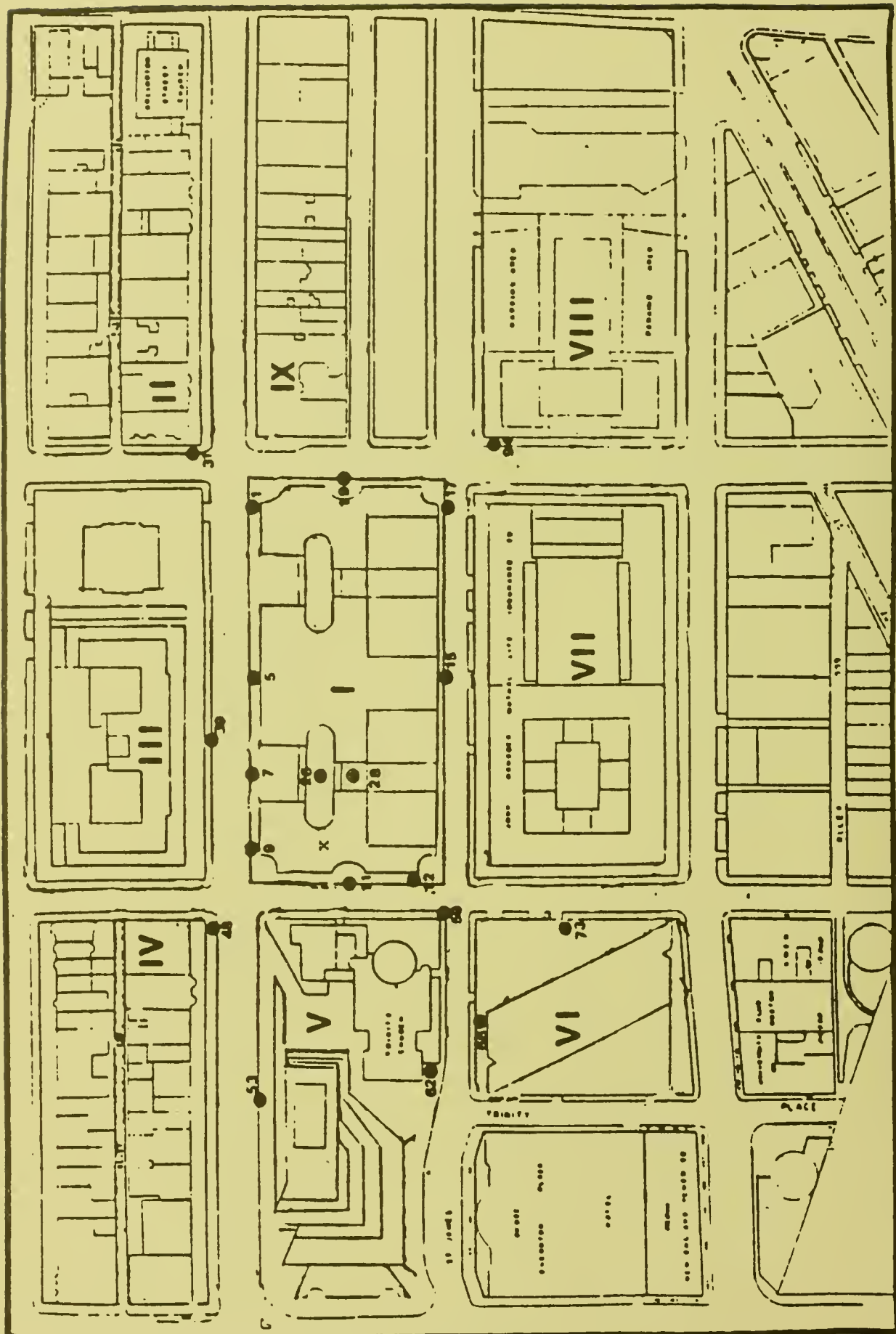
5. Historic/Archaeological Impacts

- a. Potential impacts on adjacent and nearby historic properties (Back Bay Architectural District, Bonwit Teller, Trinity Church) in terms of compatibility, scale, materials, and views and vistas.
- b. Examination of the historic/contextual significance of the Colton Building, 462 Boylston Street.
- c. Consideration of archaeological importance of site and, if significant, identification of measures for proceeding in conjunction with appropriate public officials.

6. Natural Resources Impact

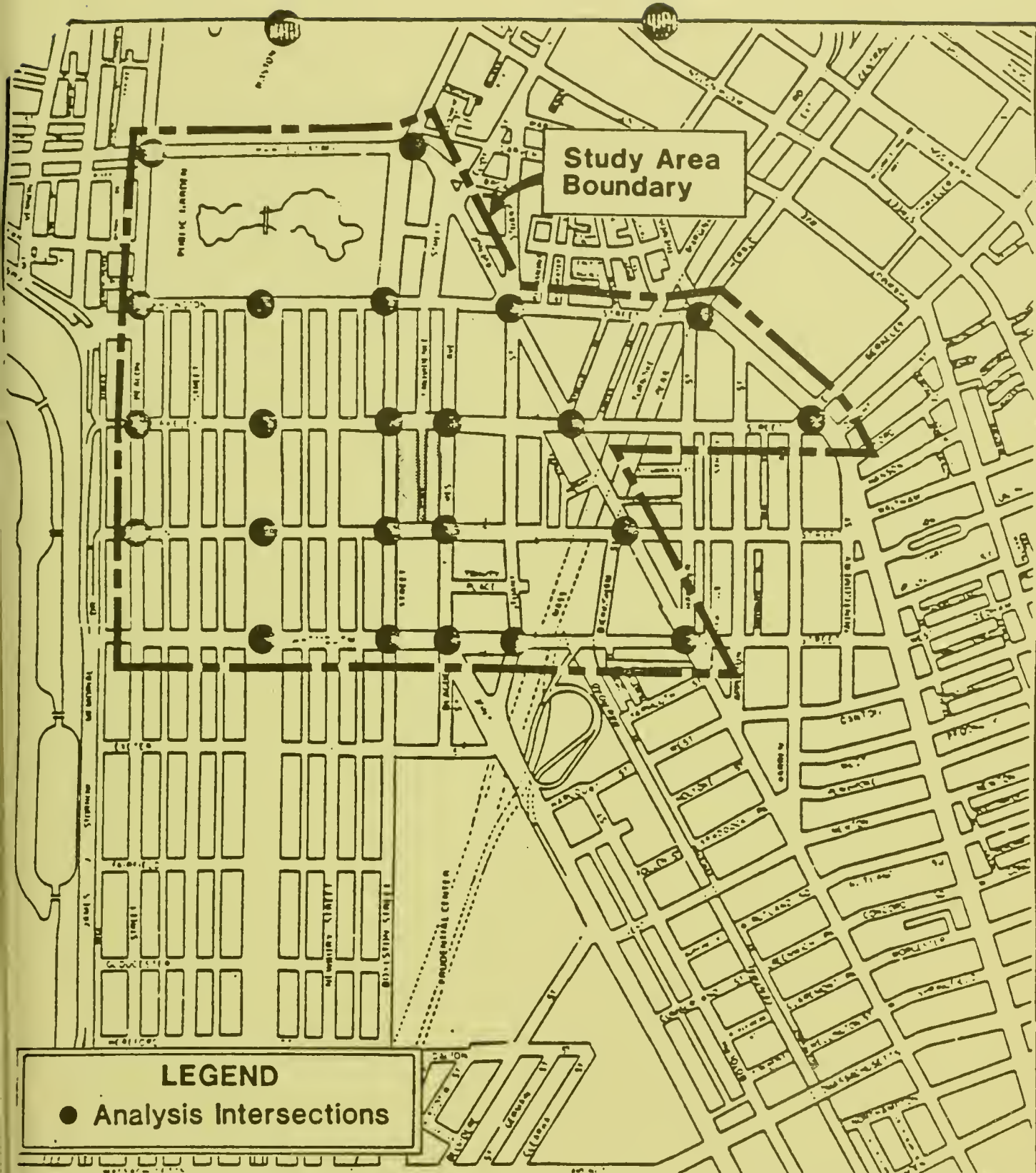
- a. Potential effects on, or changes in, groundwater levels, and impacts on existing wooden piles of surrounding buildings.
- b. Potential effects of ground (sub-soil) conditions, including potential for ground movement and settlement during excavation and resultant impact on surrounding buildings and St. James Avenue sewers. This should include impacts on the sewer's capacity to handle demand.
- c. Examination of what can be done to reduce the noise impact of piling if the same are used for the building foundation.

3365A:28-31



MAP OF TEST AREA AND LOCATION
OF HOT WIRE TESTING POINTS - 17 Current
21 With Project

x New sensor point



LETTER OF JUNE 5, 1984, AMENDING ENF



June 5, 1984

Secretary James S. Hoyte
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202

Dear Secretary Hoyte:


Reference is made to the Environmental Notification Form ("ENF") for 500 Boylston Street submitted on May 31, 1984.

Subsequent to our filing of the ENF, the plans for the emergency generator for the project were finalized. The emergency generator will have a capacity in excess of 3,000,000 B.t.u. per hour. Consequently, a fossil fuel utilization permit will be required pursuant to 310 C.M.R. 7.04. We would appreciate your considering this additional information in your review of the ENF.

I enclose substitute pages 2, 3, and 8 of the ENF which include the revisions necessitated by this additional information. Please acknowledge receipt of these items in the space provided on the enclosed copy of this letter and return to me in the enclosed envelope.

Please contact me if you should have any questions.

Sincerely yours,


Kenneth S. Moczulski

KSM/kc

Enclosures

cc Ms. Karen Alschuler, S.O.M.
Mr. Joseph W. O'Connor, New England Life
Mr. Robert Ryan, Boston Redevelopment Authority
Mr. Mitchell Fischman, Boston Redevelopment Authority
Attorney Elizabeth C. Ross, Hale and Dorr

Receipt Acknowledged: By: _____

Date: _____

The 1.2 million square feet of office space will be primarily located in two towers, rising 19 stories above a 6-story base (maximum project height is 25 stories). The towers are situated to the rear of the site along the St. James Avenue boundary. Portions of the office use are also located in the upper floors of this 6-story base structure. Approximately 100,000 square feet of retail/commercial use will be contained in the first two levels of the 6-story structure. Approximately 1,000 on-site parking spaces will be provided below grade, of which 625 spaces will be designated for public use. Service and parking entrance and exit to the site will be from St. James Avenue, Berkeley Street, and Clarendon Street. Pedestrian open areas will include the sidewalk and two open plazas on Boylston Street. These plazas will be lined with active retail uses and will provide an open plaza entry to portions of the office structure.

The Joint Venture has already initiated a number of environmental studies as part of the public review process established with the CAC. To date, this work has included wind tunnel, transportation and parking, and geotechnical studies in order to identify potential project impacts.

The project is categorically included under Class D(a) of Appendix C of the MEPA Regulations. The only State permits required for the project are sewer permits from the DWPC and MDC and a fossil fuel utilization permit from DEQE for the emergency generator. In accordance with the MEPA statute, M.G.L. c. 30, Sections 61-62H, which provides at Section 62A that the scope of an EIR is "limited to that part of the project which is within the subject matter jurisdiction of the [State] permit," the scope of the EIR for the project will be limited to a discussion of sewerage and air quality impacts. The proponent has agreed to prepare a broadly scoped environmental impact review discussing the impacts of the project on wind, shadow, transportation, air quality, and historical, archaeological and geotechnical/sewerage resources which will be subjected to critical review by the BRA and the CAC, which represents major Back Bay and South End neighborhood and business groups. A summary of the studies to be conducted in connection with the proposed environmental impact review is attached hereto as Attachment 2. The proponent requests a waiver of the requirement of filing an EIR for the project on the basis that the studies to be conducted by the proponent for the BRA and the CAC will serve to minimize damage to the environment from the project to a greater extent than could be achieved by any agency after preparation of an EIR on sewerage and air quality impacts.

This project is one which is categorically included and therefore automatically requires preparation of an Environmental Impact Report: YES X NO

D. Scoping (Complete Sections II and III first, before completing this section.)

1. Check those areas which would be important to examine in the event that an EIR is required for this project. This information is important so that significant areas of concern can be identified as early as possible, in order to expedite analysis and review.

	Construc- tion Impacts	Long Term Impacts		Construc- tion Impacts	Long Term Impacts
Open Space & Recreation	_____	_____	Mineral Resources	_____	_____
Historical	_____	X	Energy Use	_____	X
Archaeological	_____	X	Water Supply & Use	_____	X
Fisheries & Wildlife	_____	_____	Water Pollution	_____	_____
Vegetation, Trees	_____	_____	Air Pollution	X	X
Other Biological Systems	_____	_____	Noise	X	X
Inland Wetlands	_____	_____	Traffic	_____	X
Coastal Wetlands or Beaches	_____	_____	Solid Waste	X	X
Flood Hazard Areas	_____	_____	Aesthetics	_____	X
Chemicals, Hazardous Substances,	_____	_____	Wind and Shadow	_____	X
High Risk Operations	X	_____	Growth Impacts	_____	X
Geologically Unstable Areas	X	_____	Community/Housing and the Built	_____	_____
Agricultural Land	_____	_____	Environment	_____	X
Other (Specify)	_____	_____		_____	_____

2. List the alternatives which you would consider to be feasible in the event an EIR is required.

A "No Build" alternative, continuing the existing use, will be included as a base for comparing project impacts.

E. Has this project been filed with EOEA before? Yes _____ No X

If Yes, EOEA No. _____ EOEA Action? _____

F. Does this project fall under the jurisdiction of NEPA? Yes _____ No X

If Yes, which Federal Agency? _____ NEPA Status? _____

G. List the State or Federal agencies from which permits will be sought:

Agency Name	Type of Permit
Mass. Department of Environmental Quality Engineering	Sewer Extension Permit (Ch. 21, S.43); Fossil Fuel Utilization Permit (MGL Ch. 111, S.142 A-E; 310 CMR 7.04 for emergency generator)
Mass. Historical Commission	Determination of Effect to Historic Properties. ¹
Metropolitan District Commission	Industrial User Discharge Permit (MGL Ch.92, S1-8A).

¹Although this determination will be required for the project, it is the view of the proponent and EOEA that such determination does not constitute a state permit under MEPA.

H. Will an Order of Conditions be required under the provisions of the Wetlands Protection Act (Chap. 131, Section 40)?

Yes _____ No X

DEQE File No., if applicable: _____

I. List the agencies from which the proponent will seek financial assistance for this project:

Agency Name	Funding Amount
-------------	----------------

None.

II. PROJECT DESCRIPTION

A. Include an original 8½ x 11 inch or larger section of the most recent U.S.G.S. 1:24,000 scale topographic map with the project area location and boundaries clearly shown. Include multiple maps if necessary for large projects. Include other maps, diagrams or aerial photos if the project cannot be clearly shown at U.S.G.S. scale. If available, attach a plan sketch of the proposed project. (Attached)

B. State total area of project: 137,074 square feet (+ 3.15 acres)

Estimate the number of acres (to the nearest 1/10 acre) directly affected that are currently:

1. Developed <u>3.15</u> acres	4. Floodplain _____ acres
2. Open Space/Woodlands/Recreation _____ acres	5. Coastal Area _____ acres
3. Wetlands _____ acres	6. Productive Resources
	Agriculture _____ acres
	Forestry _____ acres
	Mineral Products _____ acres

C. Provide the following dimensions, if applicable:

Length in miles _____	Number of Housing Units _____	Number of Stories <u>6 to 25</u>
	Existing ²	Immediate Increase Due to Project ²
Number of Parking Spaces ³ ... (on-site).....	<u>625</u>	<u>375</u>
Vehicle Trips to Project Site (average daily traffic).....	<u>1,700</u>	<u>3,340</u> ⁴
Estimated Vehicle Trips past project site.....		
Clarendon Street	10,000	1,000
Boylston Street	18,900	500
Berkeley Street	19,400	600
St. James Avenue	11,900	1,800

For footnotes 2, 3, and 4 see following page.

D. If the proposed project will require any permit for access to local or state highways, please attach a sketch showing the location of the proposed driveway(s) in relation to the highway and to the general development plan; identifying all local and state highways abutting the development site; and indicating the number of lanes, pavement width, median strips and adjacent driveways on each abutting highway; and indicating the distance to the nearest intersection. (Not applicable)

G. Air Quality

1. Might the project affect the air quality in the project area or the immediately adjacent area? Yes X No _____

Describe type and source of any pollution emission from the project site. _____

Some air pollution will be generated by the project. Increased numbers of vehicles visiting the site and using the underground parking garage will contribute to air pollution in the area. Emission vents for the garage will be located to minimize any adverse environmental impacts related to pedestrian areas or air intakes for nearby buildings. The emergency generator will be a temporary source of pollution, but will have no long-term effects. Short-term air quality impacts from fugitive dust will occur during construction. In addition, there is the possibility that asbestos exists in some of the buildings slated for demolition. If further research indicates asbestos, a removal plan will be formulated and there will be compliance with all applicable DEQE regulations.

2. Are there any sensitive receptors (e.g., hospitals, schools, residential areas) which would be affected by any pollution emissions caused by the project, including construction dust? Yes X No _____

Explanation and Source:

Sensitive receptors in the area include public and pedestrian spaces at nearby intersections, such as Copley Square, and adjacent building air intakes.

3. Will access to the project area be primarily by automobile? Yes _____ No X

Describe any special provisions now planned for pedestrian access, carpooling, buses and other mass transit.

According to Vanasse/Bangen's recent study of the proposed project's transportation impacts,⁹ the majority (60 percent) of new person-trips to the site will be by transit or by walking. The remaining 40 percent of the daily trips will be by personal car, carpool/vanpool, or taxi.

Public transit service to the area currently consists of express buses, commuter rail to the Back Bay Station, and light rail rapid transit (the Green Line). The relocation of the Orange Line to the Back Bay Station will make this station a major regional transportation hub. Furthermore, the expanded capacities of the Orange and Green Lines in the future are expected to result in a transit capacity surplus for the Back Bay, fostering mode shifts to transit from private vehicles. In addition, New England Life will continue to operate its vanpool program.

⁹ Transportation Impact Study, Proposed St. James Development, Boston, Massachusetts. Prepared for New England Life/Gerald D. Bines Interests. Vanasse/Bangen Associates, Inc., Boston, MA, June 1983.

H. Noise

1. Might the project result in the generation of noise? Yes X No _____

Noise will be generated during the demolition/construction phase, over the short-term. All demolition/construction practices will be in compliance with 310 CMR 7.10, to minimize adverse noise impacts. Long-term noise effects will result from increased vehicular activity at the site after its completion.

2. Are there any sensitive receptors (e.g., hospitals, schools, residential areas) which would be affected by any noise caused by the project? Yes X No _____

Explanation and Source:

Sensitive receptors in the area include Trinity Church, pedestrian walkways, public open areas, such as Copley Square, and adjacent buildings.

EOEA Certificate on the ENF, Including Reviewers' Letters

The Certificate on the ENF from the Secretary of Environmental Affairs determined that the proposed 500 Boylston Street Project required an EIR and provided a scope of the issues to be addressed based on agency review and letters received in response to the ENF.



The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, Massachusetts 02202

MICHAEL S. DUKAKIS
GOVERNOR

JAMES S. HOYTE
SECRETARY

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS

ON

ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME: 500 Boylston Street

PROJECT LOCATION: Boston

EOEA NUMBER: 5217

PROJECT PROPONENT: New England Mutual Life/Gerald Hines

DATE NOTICED IN MONITOR: June 6, 1984

Pursuant to M.G.L., Chapter 30, Section 62A and Sections 10.04(1) and 10.04(9) of the Regulations Governing the Implementation of the Massachusetts Environmental Policy Act, I hereby determine that the above referenced project does require the preparation of an Environmental Impact Report.

The proponent has requested that I waive the requirement of an EIR, stating that the information to be generated by the EIR being prepared for the BRA will benefit the environment more than would an EIR limited in scope to sewerage issues. At the MEPA scoping session it was brought out that the BRA EIR will be prepared, regardless of my action on the waiver request. It also appeared that the BRA Draft EIR would take about 3 months to prepare and that the land transfer from the City to the developer was expected to occur as early as September 1984. It did not then appear that to require an EIR would impose any significant hardship, either on the developer or on the City of Boston. Moreover, in view of the limitation of the Scope to sewerage issues, there is no apparent reason why a MEPA filing could not have been made earlier by the proponent, leaving plenty of time for full MEPA compliance without any conflict with the development schedule.

On July 5 the proponent presented an offer of additional support for area groundwater studies and archaeological studies, conditioned upon my granting of a waiver. I do not accept the offer. Certainly, the granting of a waiver is within my discretion where the terms of the governing Consent Judgment and MEPA Regulation 10.18 are met. I have considerable doubt as to whether those criteria have been met here. More fundamentally, though, I consider it inappropriate to waive an EIR for a project which has significant, and controversial impacts. Therefore, I deny the waiver request.

The EIR shall address sewerage impacts of the project, as follows:

A. Describe the collection system between the site and the MDC headworks. What are average flows, peak flows? What is the frequency, volume, and water quality of overflows? Where do these flows occur?

B. Describe the flows to be generated by this project and how and where it is proposed to connect with the MDC System.. Identify and propose mitigation for any impacts to the system which are likely to result from the project. Consideration should be given, at minimum to the following:

1. The capacity of the collector pipe to handle the sewage generated by this project as well as other users.
2. downgradient CSO impacts (if any) should be analyzed and all feasible mitigation measures evaluated.

Important questions as to MEPA jurisdiction have been raised by this decision. I have concluded that as of today, my deadline for decision on the 500 Boylston Street project, I have not had enough input from the BRA, from private citizens and from other interested parties to make a decision as to these questions. In this decision, however, I am setting forth the issues, and shall disseminate it, seeking comment on the decisions at hand.

MEPA jurisdiction covers state agency projects, state funding and state permits for private projects. When I require an EIR for a private project, I can only examine impacts of those permits. The BRA, as "an authority of a political subdivision of the Commonwealth, is clearly an "agency" over which I have some MEPA jurisdiction. How far that jurisdiction extends is now the fundamental question.

Several weeks ago, upon review of International Place, I concluded that the BRA's role in land conveyance established MEPA jurisdiction over all impacts of the project. I therefore did not reach the question of whether the BRA role in developer selection, formulation of project guidelines and design review was action by an "agency" subject to review under MEPA.

During review of the 500 Boylston project, my office has both undertaken and solicited legal analysis of the extent of MEPA jurisdiction over BRA activities. As of yet, I am not prepared to make a decision on that issue. Both the extent of jurisdiction, and the way it should be exercised, if I find it to exist, are issues which require careful evaluation and a decision based on a full factual understanding.

There are two central questions:

1. Do BRA developer designations, design reviews and other actions relating to projects which are categorically included constitute agency actions for purposes of MEPA, thus requiring a full EIR?
2. Do BRA approvals of planned development areas require the filing of an ENF, under MEPA regulation 10.32(3)(h)(2)?

The MEPA statute and regulations broadly subject BRA actions to MEPA review. The statute commands me to construe all statutes so as to minimize damage to the environment. This suggests that a generous, rather than restricted, view of MEPA jurisdiction is appropriate.

The BRA has generally taken the position, joined in by developers and their lawyers, that the BRA acts in two distinct capacities -- that of a redevelopment authority, which is subject to MEPA review, and that of a Boston planning board, this being a municipal function, not subject to MEPA review. This argument was concurred in by the MEPA office, and never contested.

The 1974 BRA regulations for the implementation of MEPA supported the two-capacity contention. In 1978, by statutory revision, the Secretary of Environmental Affairs was given the power to promulgate uniform MEPA regulations and review thresholds. BRA recommendations for those uniform rules were to require ENFs for P.D.A. approvals, among other things, and did not distinguish between BRA as an agency and BRA as a planning board. The recommendations were telescoped into a short regulation, 301 CMR 10.32(3)(h)(2):

"Approval of non-residential projects which, were financial assistance provided, would not be excluded under Class A."

This regulation was promulgated by Secretary Evelyn Murphy in early 1979. Its practical meaning is that if a project is big enough to require an ENF if done by a state agency, it's big enough to require an ENF if approved by the BRA. This regulation has since been generally overlooked. To the extent that the MEPA bar may have puzzled over it, they were satisfied by assurances that the EOEAs interpretation was that P.D.A. approval was a municipal function, not subject to MEPA review.

I have yet to see a thoroughly convincing argument that MEPA jurisdiction does not exist over P.D.A. approvals in Boston and over BRA approvals of categorically included projects. Although Messrs. Hale & Dorr have submitted a carefully-researched brief which appears to present all available arguments against MEPA jurisdiction, I think the strongest argument that brief makes is that finding of jurisdiction would be inconsistent with previous interpretation and developer expectations.

Before I make a decision which may reverse the previous restricted interpretation of MEPA jurisdiction, I think it especially important that I consult with the newly appointed Executive Director of the BRA, who will be assuming his duties shortly. Moreover, thought must be given not only to whether more projects should be reviewed, but how far that should extend. There is, for example, a broad range of BRA advisory functions which clearly should not be viewed as "approvals" under MEPA.

For purposes of today's decision on 500 Boylston, I am holding to the precedent established by previous reviews (e.g., 53 State Street). I will accordingly present detailed recommendation to the BRA for consideration in the BRA scope. In addition, I am putting interested persons on notice that my interpretation of the jurisdictional questions discussed above is under review, and may change.

At least one project proponent requiring P.D.A. approval has a request pending before me on whether an ENF must be filed; I am unable to reach that decision today. Although it is my practice to decline review if any ENF is filed on a categorically-excluded project, I will accept for review any such projects which file pending my decision, to spare proponents uncertainty and delay. Should I then decide against an assertion of jurisdiction, I will permit withdrawal of such ENFs.

DATE

July 6, 1984

JAMES S. HOYTE, SECRETARY



Metropolitan Area Planning Council

110 Tremont Street Boston, Massachusetts 02108 (617)-451-2770

Serving 101 Cities & Towns in Metropolitan Boston

June 27, 1984

RECEIVED

The Honorable James S. Hoyte, Secretary
Executive Office of Environmental Affairs
MEPA Unit
100 Cambridge Street
Boston, MA 02202

JUN 29 1984

OFFICE OF THE SECRETARY OF
ENVIRONMENTAL AFFAIRS

Project Identification

Project Name: 500 Boylston Street

EOEA#: 5217

Project Proponent: New England Mutual Life

MAPC#: ENF-84-138

Location: Boston

Received: June 8, 1984

Dear Secretary Hoyte:

In accordance with the provisions of Chapter 30, Section 62, of the Massachusetts General Laws, the Council has reviewed the Environmental Notification Form identified above and offers the following comments:

1. ☐ Environmental Notification Form adequate; no Environmental Impact Report should be required.
2. ☐ Before a determination can be made as to whether or not an Environmental Impact Report should be required, additional information should be provided on () probable environmental impacts, () alternatives to proposed action, and/or () measures proposed to mitigate probable impacts.
3. ☒ An Environmental Impact Report () should be required, (x) is categorically required.
4. ☒ Additional comments are attached.

Sincerely,

Joel B. Bard

Joel B. Bard
Assistant Director/
General Counsel

JBB/MS/lab

Enclosure

cc: cont'd on page 2



Metropolitan Area Planning Council

110 Tremont Street Boston, Massachusetts 02108 (617)-451-2770

Serving 101 Cities & Towns in Metropolitan Boston

RECEIVED

DATE: June 8, 1984

I.D. #: ENF-84-138

TO: Geoffrey Boehm

COMMUNITY: Boston

JUN 11 1984

CITY OF BOSTON
ENVIRONMENT DEPT.

Enclosed is a description of the project referenced below.

The Council requests that you consider whether this report adequately describes the project's impact upon your community and addresses significant environmental benefits and potential damages.

PROJECT TITLE: 500 Boylston Street

THE COUNCIL HAS ONLY 20 CALENDAR DAYS TO FILE COMMENT WITH
E.O.E.A. TO MEET THIS DEADLINE, YOUR COMMENTS MUST BE
RECEIVED AT THE MAPC BY June 25, 1984

☐ ADEQUATELY DESCRIBES ENVIRONMENTAL IMPACTS

☒ MERITS FURTHER ENVIRONMENTAL STUDY

☒ NEED MORE INFORMATION

EXPLANATORY COMMENTS: The City of Boston Air Pollution Control Commission is presently reviewing the Parking Freeze Application for the garage, in accordance with the City of Boston Procedures and Criteria for Issuance of Parking Freeze Permits, which will be heard at a Public Hearing on July 11, 1984. The staff of the Air Pollution Control Commission and the Director of The Environment Department is of the opinion that a full EIR is required for a project of this magnitude. We believe that while many of the issues have been addressed through the BRA and the St. James Civic Advisory Committee, many City, State, and other interested agencies, groups and individuals have not had the opportunity for comments and input into this major project. Therefore, we request that the pending waiver of the requirement of filing an EIR be denied and that the Proponent be required to prepare an EIR. Basis for this request is the recent ruling by Secretary Hoyte, Executive Office of Environmental Affairs, dated June 21, 1984 of a similar project requesting a waiver. (see attached) The scope of the EIR should include ALL of the impacts outlined in the proponents ENF P.2.

SIGNATURE: 

DATE: June 25, 1984

Additional Comments

Due to the complexity of the proposed project and the impacts likely to result, the Council recommends that a waiver should not be granted and that an Environmental Impact Report should be required. The following should be included in the scope of such a report.

- An analysis of the traffic and parking impacts likely to result, including examination of expected volumes and movements, an analysis of parking need, and consideration of displaced current users.
- An analysis of visual, wind, and shadow impacts illustrating the effects of the project on the immediate and surrounding areas, and the Boston skyline.
- An analysis of the wastewater disposal impacts on the local and MDC sewer systems.
- An analysis comparing the proposed project to the design guidelines in effect for the site.

This project will have a number of impacts on the region's core city and its resources. As in the case of International Place, the Council believes that a full, public environmental review is necessary and within MEPA's jurisdiction.

Comments from MAPC's Boston representative are attached.

cc: Rebecca Parkard
Skidmore, Owings and Merrill
Geoffrey Boehm
MAPC Representative, Boston
Alfred Howard
Boston Redevelopment Authority
Mark Siegenthaler
MAPC Staff



The Commonwealth of Massachusetts
Executive Office of Transportation & Construction
Office of the Secretary

Michael S. Dukakis
Governor

10 Park Plaza, Room 3510
Boston, MA 02116-3969

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JUN 29 1984

OFFICE OF THE SECRETARY OF
ENVIRONMENTAL AFFAIRS

Frederick P. Salucci
Secretary
and
MBTA Chairman

DATE:

A JOINT VENTURE OF GERALD D. HINES INTERESTS, INC. &
PROJECT PROPONENT: NEW ENGLAND MUTUAL LIFE INSURANCE COMPANY

PROJECT DESCRIPTION: 500 BOYLSTON STREET-AN ACTIVE MIXED USE DEVELOPMENT
CONSISTING OF OFFICES, GENERAL RETAIL, RESTAURANTS, ETC ON 3.15 ACRES

WITH RETAIL SPACE OF 100,000 S.E., OFFICE USES, 1,200,000 S.E. AND
SUBSURFACE PARKING FOR 1,000 SPACES.

DATE RECEIVED BY E.O.T.C. JUNE 11, 1984

COMMENTS ON PROPOSED PROJECT:

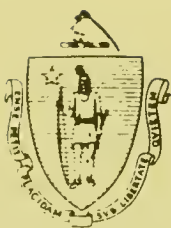
- () NO COMMENTS
(X) COMMENTS

If an EIR is required, the following transportation issues should be addressed:

- (1) the impact on traffic during and after construction on streets and intersections in the neighboring areas of the Back Bay and South End, especially intersections along Berkeley Street, Clarendon Street, and other streets which may be used for access to the project from Storrow Drive, the Mass. Turnpike, South-east Expressway, and Columbus Avenue.
- (2) the measures which would be implemented to achieve and sustain the high rate of non-SOV trips into the project, including provisions for ridesharing and transit use, and pedestrian and public transit passenger amenities.

DATE: 6/27/84

Ann Herschlag for
Frederick P. Salucci
Secretary



ANTHONY D. CORTESE, Sc.D.
Commissioner
727-5194

The Commonwealth of Massachusetts
Department of Environmental Quality Engineering
Metropolitan Boston - Northeast Region
323 New Boston Street, Woburn, MA 01801

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JUN 27 1984

M E M O R A N D U M

TO: James S. Hoyte, Secretary
Executive Office of Environmental Affairs

OFFICE OF THE SECRETARY OF
ENVIRONMENTAL AFFAIRS

ATTN: Jacquelyn Wilkins

FROM: Michael J. Maher, Air Quality Section Chief

DATE: July 26, 1984

SUBJECT: 500 Boylston Street, Boston, MA.
EOEA # 5127

This office has reviewed the environmental notification form filed for the proposed 500 Boylston Street project and offers the following comments for your consideration.

1. Given the proposed project location, size of the facility, number of parking spaces required, and amount of traffic to be generated DEQE is concerned as to the future air quality of this area. DEQE agrees with the project proponent that an analysis should be required to assess the impact on local air quality from traffic generated by the project. DEQE is available to assist in scoping the necessary modeling parameters.
2. The proponent should suggest measures to alleviate dust and noise nuisance conditions which may occur during and after construction. Such measures must comply with DEQE regulations 310 CMR: 7.10 Noise and 7.09 Dust and Odor.
3. Should asbestos exist in any of the buildings slated for demolition, compliance with DEQE regulation 310 CMR: 7.15 Asbestos is be required.
4. The proponent must submit formal plans to the Department and receive Departmental approval for the planned fossil fuel burning facility since, planned capacity is greater than the 3 mm BTU limit required for compliance with regulation 310 CMR 7.02.

Please contact Heidi O'Brien (292-5623) should you have any questions.

MJM/ho

BROMBERG, SUNSTEIN & MCGREGOR

ATTORNEYS AT LAW

31 MILK STREET, SUITE 810

BOSTON 02109

BRUCE D. SUNSTEIN
LEE CARL BROMBERG
MARY LOUISE MCGREGOR
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BENJAMIN J. NAITOVE
ROBIN F. FEINER

ALLAN S. BUFFERO
OF COUNSEL

(617) 426-6464
TELEX 95-5329

OFFICE OF THE SECRETARY OF
ENVIRONMENTAL AFFAIRS
U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

June 28, 1984

JUN 28 1984

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Mr. Samuel G. Mygatt, Executive Director
Environmental Impact Review
Executive Office of Environmental Affairs
Leverett Saltonstall Building, 20th Floor
100 Cambridge Street
Boston, MA 02202

RE: 500 Boylston Street, Boston
EOEA #5217

Dear Mr. Mygatt:

This comment with respect to 500 Boylston Street, Boston, is submitted on behalf of the St. James Avenue Civic Advisory Committee (CAC), of which the Neighborhood Association of the Back Bay is a member. The CAC urges the Secretary to find that, because of the involvement of the Boston Redevelopment Authority in the execution of the project, the Secretary has jurisdiction over all significant environmental impacts under MEPA; the CAC therefore requests that a broadly scoped EIR be required.

The CAC, the developer, and the BRA have met during the past 15 months concerning many aspects of the project. From the outset, the position of the CAC was that a broadly scoped EIR should be required; the assumption of many participants in the process was that such an EIR would be conducted under the jurisdiction of EOEA. The CAC was intent on ensuring full and accurate disclosures of the environmental risks and the taking of appropriate mitigation measures.

The effect of the project on subsurface conditions is an example of an environmental impact of enormous importance to certain members of the CAC. As you know, the Back Bay is built on filled land, which poses peculiar construction risks. If, for instance, the water table were lowered either temporarily during construction of the project or permanently, the wooden pilings on which many Back Bay buildings are built could be exposed to air and become rotten. This sort of impact requires the closest possible scrutiny, and the addition of the resources and analysis of your office would be of enormous comfort.

The desirability of review by your office is clear. In contention is your jurisdiction. Arguments with respect to the developer's request for a waiver were adequately

addressed at the scoping meeting on June 20, 1984, and this comment will not reiterate those arguments here. Rather, this comment will outline the basis for EOE jurisdiction to require a full EIR.

MEPA was enacted to minimize damage of the environment. As a policy matter, your office should interpret its jurisdiction broadly to ensure that action by state agencies is consistent with the goals of MEPA. On its face, the BRA is an "agency" subject to MEPA and, if there is doubt as to whether it is acting "like" a state agency, the doubt should be resolved in favor of finding jurisdiction. G.L.c. 30, § 61 requires that the BRA enabling legislation be interpreted to minimize and prevent damage to the environment. Damage to the environment may be irreparable. By requiring an EIR, it may also be avoidable.

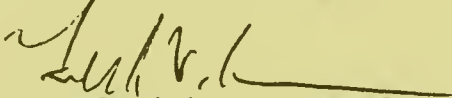
Furthermore, the extensive involvement of the BRA in the planning of the project goes far beyond the ministerial granting of permits. The initial plan to develop the St. James Avenue Garage may well have been conceived by the BRA; it has certainly been implemented by the BRA. The BRA advertised for bids and managed the extensive process which led to the tentative designation of the developer in December, 1983. Furthermore, it is our expectation that the purchase and sale agreement with respect to the garage will govern numerous aspects of the construction of the project. Perhaps most important, the zoning changes required by the project will be obtained by the creation of a planned development area (PDA), a process which gives the BRA control over nearly every detail of the project. Such all-pervading control over the project by a state agency should require EIR.

The MEPA regulations indicate that the Secretary has jurisdiction over this project. The approvals required of BRA pursuant to the PDA process qualify as a "permit" under 402 CMR 10.02 (22). Such a permit is not excluded under Class B 301 CMR 10.32 (3). BRA permits are excluded under Class B except for certain approvals under Chapter 121A and "approval of non-residential projects which, were financial assistance provided, would not be excluded under Class A 402 CMR 10.32 (3)(h)2. The proposed project is not residential and meets none of the exclusions under Class A.

Mr. Samuel G. Mygatt, Executive Director
June 28, 1984
Page 3

In summary, the purposes of MEPA will be served if the Secretary asserts jurisdiction over this project and requires the preparation and filing of a broadly scoped EIR. The CAC urges him to do so.

Very truly yours,



Frederick V. Casselman

FVC/kh

cc: Mr. Vincent McCarthy

The Boston Preservation Alliance

P.O. Box 1165, Boston, Massachusetts 02103

June 28, 1984

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JUN 28 1984

Secretary James S. Hoyte
Executive Office of Environmental
Affairs
100 Cambridge Street
Boston, MA 02202

OFFICE OF THE SECRETARY OF
ENVIRONMENTAL AFFAIRS

Re: MEPA Unit
500 Boylston Street, Boston, Mass.
(EOEA 5217)

Dear Secretary Hoyte:

The Boston Preservation Alliance, Inc., is a non-profit organization consisting of thirty-two (32) neighborhood, civic, and professional organizations concerned with the preservation of the historic character of the City of Boston. As such, the Alliance is extremely interested in the project proposed at 500 Boylston Street, Boston, Massachusetts.

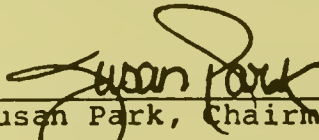
The Alliance feels that the Environmental Impact Report must include the most broadly scoped environmental impact review possible. The Alliance feels that this project presents an identical jurisdictional matter as is involved in the project proposed for International Place at Fort Hill Square. (See memorandum from James S. Hoyte, Secretary, Executive Office of Environmental Affairs to Donald J. Chiofaro, Fort Hill Square Associates, dated June 22, 1984.)

The Alliance further requests that in addition to the "No Build" alternative considered for the project that additional modified build alternatives of projects one-half and one-third the size of the proposed project be considered. The Alliance requests that your office inform the Alliance of all further matters concerning this project.

Respectfully submitted,

THE BOSTON PRESERVATION ALLIANCE, INC.

By: _____


Susan Park, Chairman

SP/sbc

An Association of Preservation Organizations



June 28, 1984

Mr. James Hoyt, Secretary
Executive Office of Environmental Affairs
Saltonstall Building
Boston, Massachusetts

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JUN 28 1984

OFFICE OF THE SECRETARY OF
ENVIRONMENTAL AFFAIRS

ATTN: MEPA Unit - EOE 5217

Dear Mr. Hoyt:

The Urban Design Committee (UDC) of the Boston Society of Architects (BSA) met on May 30, 1984, to review the current design documents and the neighborhood model for the New England Mutual Life building proposal. Nineteen BSA members were in attendance. The consensus view of that meeting is the official position of the BSA relating to the design of the project and is hereby presented in synopsis form.

The building as presently conceived, will not work satisfactorily in terms of the Urban Design issues. Objections (no order):

1. The symmetrical forms and the related quality and character are not responsive to the urban context and the changing conditions at each exposure.
2. The double towers relate poorly to each other, particularly to St. James Street and Trinity Church.
3. The two-story high curtain wall window bays are graphically deceptive.
4. The courts do not work in terms of their need, size, orientation, shading, wind problems and security.
5. The stylization is inappropriate to our City and our time.
6. The project is too large in scale.
7. The buildings are too high and there is too much square footage. FAR is too great.
8. The canyonization of St. James Street with a 330 foot sheer wall is unacceptable.
9. The parking egresses are dangerous and do not work.
10. The truck docks do not allow for proper size trucks or proper relationship to the street.
11. The project basic shape (Twin Towers, size and form) does not consider the views from outside the neighborhood and the relationships of other buildings.

The Boston Society of Architects

305 Newbury Street
Boston, Massachusetts 02115
Telephone 617 267-5175

A Chapter of
the American Institute
of Architects

12. The Tower dwarfs Trinity Church.
13. There are no pedestrian amenities on St. James Street, nor is there any consideration of neighborhood pedestrian traffic patterns.
14. The courtyards and passages will draw pedestrian activity off Boylston Street, rendering it inanimate (privitization).
15. Broad neighborhood and community context relations are disregarded.
16. St. James Street will become the alleyway that Providence Street is now.

Conclusions:

1. These are the issues:
 - a. The height;
 - b. The setbacks;
 - c. The forms and massing;
 - d. The symmetry;
 - e. The style.
 2. The current design is unacceptable. We feel a complete redo is required.
- When specifically asked of the group, there were no proponents of the design.

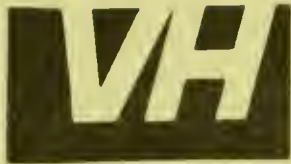
Very Truly Yours,



David D. Dixon, AIA
Larry Bluestone, AIA, Co-Chairmen
BOSTON SOCIETY OF ARCHITECTS
Urban Design Committee

cc: Tom Payette, President
Todd Lee, Commissioner of Design

Attachment
DDD/crc
Ms IIIId46



Vanasse / Hangen Associates, Inc.

Transportation Engineers & Planners
184 High Street, Boston, Massachusetts 02110
617 / 482-0749

June 21, 1984

Ref: 0875

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JUN 26 1984

OFFICE OF THE SECRETARY OF
ENVIRONMENTAL AFFAIRS

Mr. Sam Mygatt
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, Massachusetts 02202

Dear Mr. Mygatt:

As promised at last Wednesday's scoping session on the St. James Development Project, enclosed are two maps showing (a) the study boundary used in the Hynes Auditorium Expansion project, and (b) the traffic survey and analysis locations included within the boundary.

This area overlaps the expanded study area now being used for the St. James project, providing, in effect, a much larger zone where impacts can be identified. This is possible because traffic generated by the St. James Development Project was included in the Hynes analysis. Essentially, both projects are based on comparable assumptions and data, permitting use of one with the other.

Please let us know if we can provide you with any other information.

Very truly yours,

VANASSE/HANGEN ASSOCIATES, INC.

A handwritten signature in dark ink, appearing to read 'Raymond S. Niedowski'.

Raymond S. Niedowski, P.E.
Senior Project Manager

RSN/mef

cc: Ken Moczulski



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JUN 20 1984

CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR
RAYMOND L. FLYNN

OFFICE OF THE SECRETARY
OF ENVIRONMENTAL AFFAIRS

June 29, 1984

Mr. Samuel Mygatt, Director MEPA
Executive Office of Environmental Affairs
Commonwealth of Massachusetts - MEPA Unit
100 Cambridge Street - 20th Floor
Boston, Massachusetts 02202

Re: New England Mutual Life Insurance Company Project
500 Boylston Street
Boston, Massachusetts

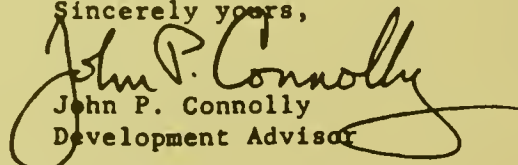
Dear Mr. Mygatt:

I want to make known to you the City of Boston's support of the request by New England Mutual Life Insurance Company and Gerald D. Hines Interests, Inc. for a waiver on filing the requirement of a state environmental impact report for the New England Life Project in the Back Bay of Boston. We support the project for a number of critical reasons.

First, the project will create more than three thousand jobs during construction and more than five thousand jobs when it is operational. Second, the City will realize approximately \$4.7 million in new tax revenue annually and will receive approximately \$6 million in linkage payments to support needed local housing and neighborhood initiatives. Third, the proceeds of the sale by the City of the St. James Avenue garage and adjacent property in connection with this project are of vital economic importance. Failure to receive these funds within the next few months as heretofore anticipated will result in a negative tax rate impact. Finally, the City is satisfied that the developer of the project has cooperated fully with the Citizens Advisory Committee established to assure the development of the project in an environmentally sound manner. The process has been open and fair and involved substantial community and neighborhood input.

Based on the above, a waiver of the state EIR requirement is warranted and will ensure that the City receive these much needed funds in the critical days that lie ahead. Failure to do so could jeopardize all of the very important goals that we share for the City of Boston. In sum, it is the official position of the City of Boston that this waiver request should be granted.

Sincerely yours,


John P. Connolly
Development Advisor

June 26, 1984

JUN 29 1984

RECEIVED

Samuel Mygatt
Executive Director, Environmental Impact Review
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, Massachusetts 02202

Re: Boston Redevelopment Authority "Agency" Status
EOEA # 5217-500 Boylston Street

Dear Mr. Mygatt,

After our conversation on June 25 concerning the 500 Boylston Street project meeting, I spoke with Peter Shelley about the subject of the Boston Redevelopment Authority's "agency" status. It is a topic that is of great interest to the Conservation Law Foundation. If possible, we would like to review any submissions the Executive Office of Environmental Affairs receives which maintain the the BRA, when it acts as a planning board, is not acting as an agency.

With respect to the request by the proponent of the 500 Boylston Street project (EOEA # 5217) for a waiver of the required Environmental Impact Report on sewer impacts, we understand the position of the Executive Office of Environmental Affairs to be that said waiver should not be granted. The Conservation Law Foundation agrees that the waiver should not be granted. Based on our understanding of the rationale articulated by the Secretary in his June 22, 1984 Memorandum accompanying the waiver decision in EOEA # 5199-International Place, it is clear that the proponent for 500 Boylston Street had not adequately established its grounds for a waiver under 301 C.M.R. sec. 10.18 and CLF v. Bawick.

Respectfully yours,

Polly Dwyer

BACK BAY
S628
1985
C.3

AUTHOR

TITLE

500 BOYLSTON ST.

DATE
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BORROWER'S NAME

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